

WEDNESDAY, MAY 17, 1995

FORTY- FIRST LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by David Looney, Great Oaks Church of Christ, Memphis, Tennessee.

Representative Byrd led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 91: Rep(s). Phelan and Givens as prime sponsor(s).

House Resolution No. 93: Rep(s). Fowlkes as prime sponsor(s).

House Bill No. 26: Rep(s). Newton as prime sponsor(s).

House Bill No. 107: Rep(s). Herron as prime sponsor(s).

House Bill No. 125: Rep(s). Beavers, Eckles, Roach and McDaniel as prime sponsor(s).

House Bill No. 199: Rep(s). West as prime sponsor(s).

House Bill No. 256: Rep(s). Roach as prime sponsor(s).

House Bill No. 259: Rep(s). Newton as prime sponsor(s).

House Bill No. 334: Rep(s). Langster, Pruitt and Jones S(Shelby) as prime sponsor(s).

House Bill No. 385: Rep(s). Beavers as prime sponsor(s).

House Bill No. 389: Rep(s). Langster as prime sponsor(s).

House Bill No. 554: Rep(s). Beavers and Stamps as prime sponsor(s).

House Bill No. 610: Rep(s). Boyer, Williams(Union), Jackson, Bittle, Ford, Davis, Huskey, West, Kent, Hargrove, McDaniel, Stulce and McAfee as prime sponsor(s).

House Bill No. 624: Rep(s). Naifeh, Fitzhugh and Phelan as prime sponsor(s).

House Bill No. 968: Rep(s). Turner(Hamilton) as prime sponsor(s).

House Bill No. 1437: Rep(s). Arriola as prime sponsor(s).

House Bill No. 1775: Rep(s). Boyer and Jackson as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Odom was/were removed as sponsor(s) of House Bill No. 985.

MESSAGE FROM THE SENATE

May 16, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 179; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 16, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 198, 255, 256, 257, 258, 259, 260 and 261 with his approval.

HARDY MAYS, Counsel to the Governor.

SIGNED

May 16, 1995

The Speaker signed the following: Senate Joint Resolution(s) No(s). 179.

MESSAGE FROM THE GOVERNOR

May 16, 1995

WEDNESDAY, MAY 17, 1995 -- FORTY-FIRST LEGISLATIVE DAY

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 263, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 16, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 80; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 16, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 851, 948, 1190, 1403, 1527, 1787 and 1790; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 16, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 176, 177, 180, 181, 185, 187, 188, 189, 190, 191, 192, 196, 198, 199 and 229; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 16, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 174, 176, 179, 180, 182, 185, 186, 222, 280, 429, 489, 491, 498, 499, 502, 503, 506, 508, 509, 744, 777, 811, 813, 1212, 1232, 1296, 1436, 1522, 1724, 1783, 1802, 1875, 1877, 1880 and 1881; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 85** -- Highway Signs -- "Dr. Glenn C. Shultz Memorial Bridge," State Highway 52, Cosby. by *Davis.

Transportation Committee

***House Resolution No. 94** -- General Assembly, Studies -- Creates special study committee to study adoption of statewide electrical code. by *Buck.

Judiciary Committee

House Joint Resolution No. 271 -- Naming and Designating -- "National Day of Prayer in Tennessee," first Thursday of May. by *Stamps.

State and Local Government Committee

House Joint Resolution No. 290 -- General Assembly, Confirmation of Appointment -- Alan R. Hubbard, Registry of Election Finance. by *Stamps.

Finance, Ways and Means Committee

***House Joint Resolution No. 301** -- General Assembly, Studies -- Creates special study committee to study impact of transfer of social service programs to state governments via use of federal block grants. by *Armstrong, *Tindell, *Winningham, *Bowers, *Jones U (Shelby).

Finance, Ways and Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 18, 1995:

House Resolution No. 96 -- Memorials, Death - Axie Ray. by *Williams (Union).

House Resolution No. 97 -- Memorials, Death -- Theodore Robert Walker. by *Williams (Union).

House Resolution No. 98 -- Memorials, Death -- John Hatcher Sewell. by *Williams (Union).

House Resolution No. 99 -- Memorials, Death -- Charles Wright. by *Williams (Union).

House Resolution No. 100 -- Memorials, Death - Jessie Mae Graves. by *Williams (Union).

House Resolution No. 101 -- Memorials, Sports - Waynesboro Middle School boys' basketball team, Wayne County High School girls' basketball team. by *White.

House Resolution No. 102 -- Memorials, Sports - 1994-1995 Linden Middle School girls' basketball team. by *Peach.

House Resolution No. 103 -- Memorials, Sports-1994-1995 Powell Valley High School boys' basketball team. by *Williams (Union).

House Resolution No. 104 -- Memorials, Personal Occasion-Mr. and Mrs. Shirley Needham, 50th Wedding Anniversary. by *Williams (Union).

House Resolution No. 105 -- Memorials, Personal Achievement-Ben Moore, State President of Future Farmers of America. by *Herron.

House Resolution No. 106 -- Memorials, Personal Occasion-Mr. and Mrs. Wayne Hart, 50th Wedding Anniversary. by *Williams (Union).

House Joint Resolution No. 309 -- Memorials, Public Service - Tullahoma Lions Club, 50 years of service, sight conservation. by *Lewis.

House Joint Resolution No. 310 -- Memorials, Death - Dana Early Gilliland. by *Jackson.

House Joint Resolution No. 311 -- Memorials, Recognition and Thanks - James H. Shelton, Citizens Commission on Government Officials' Compensation. by *Kisber.

House Joint Resolution No. 312 -- Memorials, Recognition and Thanks - Dieter Krachen, Citizens Commission on Government Officials' Compensation. by *Kisber.

House Joint Resolution No. 313 -- Memorials, Recognition and Thanks - Carolyn Blackett, Citizens Commission on Government Officials' Compensation. by *Kisber.

House Joint Resolution No. 314 -- Memorials, Recognition and Thanks - Clyde B. Webb, Citizens Commission on Government Officials' Compensation. by *Kisber.

House Joint Resolution No. 315 -- Memorials, Recognition and Thanks - Gene Southwood, Citizens Commission on Government Officials' Compensation. by *Kisber.

House Joint Resolution No. 316 -- Memorials, Personal Occasion - Arthur and Dorothy Pederson, 50th Wedding Anniversary. by *Byrd.

House Joint Resolution No. 317 -- Memorials, Academic Achievement - Walter J. Baird Middle School Future Problem Solvers. by *Bell.

House Joint Resolution No. 318 -- Memorials, Interns - Toni Stanfield Stafford. by *Ridgeway.

House Joint Resolution No. 319 -- Memorials, Recognition and Thanks - Top Ladies of Distinction, Inc. by *Bowers.

House Joint Resolution No. 320 -- Memorials, Sports-1994-1995 Harriman High School boys' basketball team, TSSAA Class AA state champions. by *Cantrell.

House Joint Resolution No. 322 -- Memorials, Interns-Hemal N. Tailor. by *Ritchie, *Tindell, *Armstrong, *Phillips, *Burchett, *Dunn, *Boyer, *Bittle, *Williams (Williamson), *Turner (Shelby), *Jones R (Shelby), *Miller L, *DeBerry J, *West, *Windle, *Jones U (Shelby).

House Joint Resolution No. 323 -- Memorials, Interns-Paige Huskey. by *Dunn, *Williams (Union), *Boyer.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1922 -- Germantown -- Subject to local approval, authorizes hotel/motel tax. Amends Chapter 87 of the Private Acts of 1985. by *Kent, *Hassell, *Shirley.

House Bill No. 1923 -- Sullivan County -- Subject to local approval, creates consolidated government charter commission. by *Venable, *Westmoreland, *Ramsey.

House Bill No. 1924 -- Tipton County -- Subject to local approval, revises provisions relative to public works committee. Amends Chapter 114 of the Private Acts of 1973, as amended. by *Naifeh.

House Bill No. 1925 -- Lake County -- Subject to local approval, creates juvenile court. by *Pinion.

House Bill No. 1926 -- Hamilton County -- Subject to local approval, authorizes service of process in civil cases in general sessions court to be issued as provided by Rules 4 and 5 of TRCP. by *Wood.

House Bill No. 1927 -- Cumberland County -- Subject to local approval, authorizes inclusion of state or local governmental entity in definition of person and operator in hotel/motel tax act. Amends Chapter 145 of the Private Acts of 1979. by *Duer, *Curtiss.

House Bill No. 1928 -- Lafollette -- Subject to local approval, authorizes board of trustees of community hospital to operate other health related services. Amends Chapter 236 of the Private Acts of 1957. by *Cross, *Williams (Union).

House Bill No. 1929 -- Moscow -- Subject to local approval, amends charter relative to election of mayor and aldermen. Amends Chapter 77 of the Private Acts of 1991. by *Walley.

House Bill No. 1930 -- Henderson County -- Subject to local approval, redefines "person" to include governmental entity. Amends Chapter 98 of the Private Acts of 1983, as amended by Chapter 187 of the Private Acts of 1984. by *McDaniel.

House Bill No. 1931 -- Cookeville -- Specifies composition of Cookeville General Hospital Board of Trustees. Amends Chapter 223, Private Acts of 1961, as amended. by *Hargrove.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

***Senate Bill No. 431** -- Licenses - Authorizes board of professional counselors to license without examination applicants licensed in other states. Amends TCA Title 63, Chapter 22, Part 1. by *Dixon, *Miller J.

***Senate Bill No. 601** -- School Districts, Special - Permits special school district to be established in Shelby County as long as one city is in district. Amends TCA Title 49, Chapter 2, Part 5. by *Leatherwood.

***Senate Bill No. 828** -- Insurance, Health, Accident - Decreases from 20 to 15, number of days within which hearing will be held for

action of commissioner in denying authority to issue insurance based on finding that benefits are not reasonable in relation to premium charged. Amends TCA Section 56-26-102. by *Person.

***Senate Bill No. 1156** -- Memphis - Subject to local approval, permits election of school board members to staggered terms beginning with October 1995 election; sets election day same as regular November election beginning in year 2000. Amends Chapter 39, Acts of 1868-1869, as amended. by *Kyle.

***Senate Bill No. 1252** -- Criminal Offenses - Creates offense of hazing; requires each higher education institution to adopt written policy prohibiting hazing. Amends TCA Title 39, Chapter 13, Part 1. by *Harper, *Dixon.

***Senate Bill No. 1758** -- Sentencing - Permits the district attorney general to use prior delinquent acts that would constitute a felony if committed by an adult to enhance the sentence of an adult offender as a multiple, persistent or career offender. Amends TCA Title 40, Chapter 35. by *Miller J, *Atchley, *Person, *McNally, *Rice, *Leatherwood, *Holcomb, *Fowler, *Hamilton.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1897 -- Rhea County -- Local Bill Held on House Desk

House Bill No. 1898 -- Rogersville -- Local Bill Held on House Desk

House Bill No. 1899 -- Tipton County -- Local Bill Held on House Desk

House Bill No. 1900 -- Tipton County -- Local Bill Held on House Desk

House Bill No. 1901 -- Tipton County -- Local Bill Held on House Desk

House Bill No. 1902 -- Tipton County -- Local Bill Held on House Desk

House Bill No. 1903 -- Tipton County -- Local Bill Held on House Desk

House Bill No. 1904 -- Tipton County -- Local Bill Held on House Desk

House Bill No. 1905 -- Tipton County -- Local Bill Held on House

House Bill No. 1906 -- Tipton County -- Local Bill Held on House Desk

House Bill No. 1907 -- Tipton County -- Local Bill Held on House Desk

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House Bill No. 1908 -- Tipton County -- Local Bill Held on
House Desk

House Bill No. 1909 -- Tipton County -- Local Bill Held on
House Desk

House Bill No. 1910 -- Tipton County -- Local Bill Held on
House Desk

House Bill No. 1911 -- Tipton County -- Local Bill Held on
House Desk

House Bill No. 1912 -- Tipton County -- Local Bill Held on
House Desk

House Bill No. 1913 -- Altamont -- Local Bill Held on House
Desk

House Bill No. 1914 -- Utilities, Utility Districts -- Held on
House Desk

House Bill No. 1916 -- Tipton County -- Local Bill Held on
House Desk

House Bill No. 1917 -- Tipton County -- Local Bill Held on
House Desk

House Bill No. 1918 -- Tipton County -- Local Bill Held on
House Desk

House Bill No. 1919 -- Clay County -- Local Bill Held on House
Desk

House Bill No. 1920 -- Church Hill -- Local Bill Held on House
Desk

House Bill No. 1921 -- Courts, General Sessions -- Held on
House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 16, 1995** reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for May 18, 1995**: House Bill(s) No(s). 662, 1752, 1748, 1625, 1367, 901, 186, 199, 1248, 1767, 1777, 1268, 1327, 1810, 1783, 322, 1213, 1766, 1776 and 1293.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for May 22, 1995**: House Bill(s) No(s). 577, 1760, 450, 447, 445, 470 and 432.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 465; also House Bill(s) No(s). 430, 628 and 436 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1357 and 1758, House Resolution(s) No(s). 69 and Senate Joint Resolution(s) No(s). 195; also House Bill(s) No(s). 1298 and 876 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 298; also House Bill(s) No(s). 72 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1774; also House Bill(s) No(s). 306, 1352, 1195 and 1347 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Resolution(s) No(s). 52; also House Bill(s) No(s). 1334 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 590 and 798 and House Joint Resolution(s) No(s). 278 and 247; also House Bill(s) No(s). 1413 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1163 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

COMMITTEE ON CALENDAR AND RULES

May 17, 1995

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 18, 1995**: House Bill(s) No(s). 1627 and 922.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 22, 1995**: House Bill(s) No(s). 526; also, House Joint Resolution(s) No(s). 166 and 252.

CONSENT CALENDAR

House Resolution No. 75 -- Memorials, Interns - Christopher Brian McDonald. by *Rhinehart.

House Resolution No. 76 -- Memorials, Personal Occasion - Kathryn DeVore, birth. by *Kent.

House Resolution No. 77 -- Memorials, Death - Whitt E. Munsey. by *Williams(Union).

House Resolution No. 78 -- Memorials, Death - Rebecca Faye Roach Gray. by *Williams(Union).

House Resolution No. 79 -- Memorials, Interns - Erik Tryggestad. by *Stamps.

House Resolution No. 80 -- Memorials, Interns - Amy Dora McBroom. by *Kent, *Huskey, *Cole(Carter).

House Resolution No. 81 -- Memorials, Sports - 1994-1995 Forrest High School girls' basketball team. by *Beavers.

House Resolution No. 82 -- Memorials, Public Service - Homer Skelton, 1995 Toyota President's Award recipient. by *Kent.

House Resolution No. 83 -- Memorials, Recognition and Thanks - New Monumental Baptist Church, Women's Day. by *Brown.

House Resolution No. 84 -- Memorials, Public Service - Colonel Richard Dawson, former Commissioner of Safety. by *Davis.

House Resolution No. 86 -- Memorials, Heroism - Deputy Richard Caldwell. by *Davis.

House Resolution No. 87 -- Memorials, Interns - Kathy Aslinger. by *Bragg, *Head, *Kisber.

House Resolution No. 88 -- Memorials, Interns - Robert J. Broome. by *Bragg, *Kisber, *Head.

House Resolution No. 90 -- Memorials, Interns - Heather Payne. by *Chumney.

House Resolution No. 91 -- Memorials, Interns - Kaleda Nichole Groves. by *Bell.

House Resolution No. 92 -- Memorials, Interns - James Wagner. by *Pinion, *White, *Fitzhugh, *Davis.

House Resolution No. 93 -- Memorials, Retirement - E. Ray Terrell, Department of Transportation. by *Buck, *Pinion.

House Resolution No. 95 -- Memorials, Professional Achievement - Judith K. Dotson, Distinguished Classroom Teacher Award. by *Brooks, *Miller, *Towns, *Bowers, *Jones U(Shelby), *DeBerry L, *Turner(Shelby), *DeBerry J, *Jones R(Shelby), *Brown.

House Joint Resolution No. 270 -- Memorials, Interns - Mark Houston McLain. by *Stulce.

House Joint Resolution No. 272 -- Memorials, Congratulations - Webb School, 125th Anniversary. by *Phillips.

House Joint Resolution No. 273 -- Memorials, Sports - Soddy-Daisy High School varsity cheerleaders. by *Stulce.

House Joint Resolution No. 274 -- Memorials, Personal Occasion - Sam and Inez McConnell, 50th Wedding Anniversary. by *Stulce.

House Joint Resolution No. 275 -- Memorials, Public Service - Granville Hinton, former Representative. by *Rinks.

House Joint Resolution No. 276 -- Memorials, Interns - Anna Laura Galloway. by *Hargrove.

House Joint Resolution No. 282 -- Memorials, Interns - Gary Massey, Jr. by *Phillips, *Turner(Hamilton), *Miller.

House Joint Resolution No. 283 -- Memorials, Interns - Rebecca Kaye Davis. by *Phillips, *Turner(Hamilton), *Miller.

House Joint Resolution No. 284 -- Memorials, Recognition and Thanks - Central High School. by *DeBerry J, *Bowers.

House Joint Resolution No. 285 -- Memorials, Personal Achievement - Paul Anthony Vetter, Eagle Scout. by *Byrd.

House Joint Resolution No. 286 -- Memorials, Personal Achievement - John David Vetter, Jr., Eagle Scout. by *Byrd.

House Joint Resolution No. 287 -- Memorials, Interns - Jennifer L. Gurliaccio. by *Byrd, *Pruitt, *Arriola, *West.

House Joint Resolution No. 288 -- Memorials, Personal Achievement - Hunter Ryan McDonald, Eagle Scout. by *Byrd.

House Joint Resolution No. 289 -- Memorials, Recognition and Thanks - Lester Claude Weatherford. by *Head, *McMillan.

House Joint Resolution No. 292 -- Memorials, Academic Achievement - Breck Cooley, first place winner, Department of Education's Arbor Day poster contest. by *Ford.

House Joint Resolution No. 293 -- Memorials, Academic Achievement - Samuel K. Taylor, Discover Car Silver Tribute Award. by *Ford.

House Joint Resolution No. 294 -- Memorials, Public Service - Fellowship of Christian Athletes, "One Way 2 Play - Drug Free" program. by *Naifeh, *Fitzhugh.

House Joint Resolution No. 295 -- Memorials, Recognition and Thanks - Life Lines Youth Ministry of Gallatin Church of Christ, "Tennessee Ambassadors of Goodwill". by *McDonald, *Stamps.

House Joint Resolution No. 296 -- Memorials, Interns - Robert Jeff Pope. by *Davidson, *Winningham, *Brown.

House Joint Resolution No. 297 -- Memorials, Retirement - Kenneth Wilber, Portland City Council. by *McDonald, *Stamps.

House Joint Resolution No. 298 -- Memorials, Interns - Jamar Nolan. by *Jones R(Shelby), *Jones U(Shelby), *Tindell.

House Joint Resolution No. 299 -- Memorials, Interns - Lori Swanigan. by *Jones R(Shelby), *Jones U(Shelby), *Tindell.

House Joint Resolution No. 300 -- Memorials, Interns - Jason R. Poyner. by *Jones R(Shelby), *Jones U(Shelby), *Tindell.

House Joint Resolution No. 302 -- Memorials, Interns - Mary D. Jackson. by *Turner(Shelby), *Armstrong, *DeBerry J, *Miller, *Towns, *Bowers, *Jones U(Shelby).

House Joint Resolution No. 303 -- Memorials, Interns - Torsha Arlett Brown. by *Turner(Shelby), *Armstrong, *Ritchie, *DeBerry J, *Miller, *Towns, *Bowers, *Jones U(Shelby).

House Joint Resolution No. 304 -- Memorials, Public Service - Thompson's Team Dream Foundation. by *Armstrong, *Tindell, *Ritchie, *Turner(Shelby), *DeBerry J, *Miller, *Towns, *Bowers, *Jones U(Shelby), *Brown.

House Joint Resolution No. 305 -- Memorials, Interns - Sherres A. Bush. by *Armstrong, *Ritchie, *Turner(Shelby), *DeBerry J, *Miller, *Towns, *Bowers, *Jones U(Shelby), *Brown.

House Joint Resolution No. 306 -- Memorials, Recognition and Thanks - Veterans at Bemis Pentecostal Church. by *McDaniel, *Kisber.

Senate Joint Resolution No. 200 -- Memorials, Academic Achievement - Laura Beth Thomas, Friendship Christian School valedictorian. by *Rochelle.

Senate Joint Resolution No. 201 -- Memorials, Academic Achievement - Karie Anne Stewart, 1995 Salutatorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 202 -- Memorials, Recognition and Thanks - "USS Sumner County," 50th anniversary. by *Wright.

Senate Joint Resolution No. 230 -- Memorials, Recognition and Thanks - 491st Bomb Group. by *Crowe.

Senate Joint Resolution No. 132 -- General Assembly, Statement of Intent or Position - 125th Anniversary of 15th Amendment to U.S. Constitution. by *Dixon, *Cohen.

Senate Joint Resolution No. 203 -- Memorials, Interns - Almond Gatewood. by *Harper.

Senate Joint Resolution No. 204 -- Memorials, Interns - Forestine Nicole Gray. by *Harper.

Senate Joint Resolution No. 205 -- Memorials, Recognition and Thanks - Mandy Barnett. by *O'Brien.

Senate Joint Resolution No. 206 -- Memorials, Personal Occasion - Lena and Orval E. Harrison, 50th Wedding Anniversary. by *Rochelle.

Senate Joint Resolution No. 208 -- Memorials, Death - Jimmy Burchett. by *Burks.

Senate Joint Resolution No. 209 -- Memorials, Death - Kenneth Fieldon Hudgens. by *Jordan, *Haynes, *Harper, *Henry, *Rochelle.

Senate Joint Resolution No. 211 -- Memorials, Interns - Jon Ros Grayson. by *Crowe.

Senate Joint Resolution No. 212 -- Memorials, Death - Geraldine Joyce "Peggy" Hardin. by *Crowe.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on the Consent Calendar and have this statement entered in the Journal: Rep(s). Roach.

REGULAR CALENDAR

House Bill No. 1591 -- Taxes, Severance - Authorizes Decatur County to allocate severance tax on sand, gravel, sandstone, chert and limestone to be applied to any county fund rather than just to road fund. Amends TCA Title 67, Chapter 7, Part 2. by *Rinks (*SB707 by *Springer).

Further consideration of House Bill No. 1591 previously considered on April 19, 1995, and reset to today's Calendar.

Rep. Rinks moved that **House Bill No. 1591** be re-referred to the Calendar and Rules Committee, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 665** -- Claims Commission, Tennessee - Requires claims commissioners to issue findings of fact and/or opinions of law within 120 days of hearing claim. Amends TCA Title 9, Chapter 8. by *Ritchie (SB207 by *Haun).

Further consideration of House Bill No. 665 previously considered on March 16, 1995, March 22, 1995 and April 19, 1995, and reset to today's Calendar.

Rep. Ritchie moved that House Bill No. 665 be passed on third and final consideration.

Rep. Ritchie moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 665 by deleting Section 3 of the bill as introduced, the effective date section, in its entirety and by substituting instead the following as a new Section 3:

SECTION 3. This act shall take effect March 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 665 by deleting from the amendatory language of Section 1 the language " of the hearing of" and substituting instead the language " from the day the record is complete for" .

On motion, Amendment No. 2 was adopted.

Rep. Ritchie moved that **House Bill No. 665**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Haltman Harwell, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller,

Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Cole (Carter), Hicks, Westmoreland -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on House Bill No. 665 and have this statement entered in the Journal: Rep(s). Whitson.

REGULAR CALENDAR, CONTINUED

*House Bill No. 385 -- DUI/DWI Offenses - Makes BAC of 0.10 percent per se DUI offense. Amends TCA Title 55, Chapter 10. by *Robinson, *Coffey, *Givens, *Williams (Union), *Ford S, *Peach, *Ritchie, *Duer, *Herron. (SB379 by *Gilbert).

Further consideration of House Bill No. 385, previously considered on April 24, 1995, and reset to today's Calendar.

Rep. Robinson moved that House Bill No. 385 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 385 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the section in its entirety and substituting instead the following:

(a) Evidence that there was, at the time alleged, ten-hundredths of one percent (.10%) or more by weight of alcohol in the defendant's blood shall be conclusive proof that the defendant was under the influence of such intoxicant, that the defendant's ability to drive was impaired thereby and shall constitute a violation of § 55-10-401.

(b) Evidence that there was, at the time alleged, eight-hundredths of one percent (.08%) or more by weight of alcohol in the defendant's blood, shall create a presumption that the defendant was under the influence of such intoxicant, and that the defendant's ability to drive was impaired thereby, sufficiently to constitute a violation of § 55-10-401. The provisions of this subsection only apply if the defendant has been

convicted one (1) or more times of violating the provisions of § 55-10-401.

SECTION 2. This act shall take effect on July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Robinson moved that **House Bill No. 385**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Resolution No. 12** -- General Assembly, Studies - Creates special house committee to study passenger rail service in Tennessee and Southeast. by *Ridgeway, *Purcell, *Napier, *Boyer, *Ramsey, *Venable, *Westmoreland.

Rep. Ridgeway moved that House Resolution No. 12 be adopted.

Rep. Ridgeway moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Resolution No. 12 deleting the words and figures "two (2) additional members of the House" from the second resolving clause of the printed resolutions and substituting the words and figures "four (4) additional members of the House".

AND FURTHER AMEND by adding the following resolving clause immediately following the first resolving clause of the printed resolution:

BE IT FURTHER RESOLVED, That the special house study committee also study railroad crossing and guard safety.

On motion, Amendment No. 1 was adopted.

Rep. Ridgeway moved that **House Resolution No. 12**, as amended, be adopted, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 187** -- Metropolitan Government - Permits park rangers employed by metropolitan government to be commissioned as law enforcement officers and to enforce state and local laws throughout jurisdiction of metropolitan government upon successfully completing training requirements of Jerry F. Agee Tennessee Law Enforcement Training Academy. Amends TCA Title 7, Chapter 3. by *Odom(SB961 by *Haynes).

Further consideration of House Bill No. 187, previously considered on April 24, 1995 and April 26, 1995, and reset to today's Calendar.

Rep. Odom requested that House Bill No. 187 be moved to the heel of the Calendar, which motion prevailed.

House Bill No. 955 -- Metropolitan Government - Allows legislative body of metropolitan government to assign responsibility for planning, locating, constructing and operating storm water facilities to any department or commission in county. Amends TCA Title 68, Chapter 221. by *Odom, *Langster, *Pruitt, *West, *Robinson, *Arriola, *Garrett, *Jones, S., *Purcell(*SB897 by *Rochelle, *Harper).

Further consideration of House Bill No. 955, previously considered on April 24, 1995 and April 26, 1995, and reset to today's Calendar.

Rep. Odom moved that House Bill No. 955 be reset to the Calendar for Monday, May 22, 1995, which motion prevailed.

***House Bill No. 32** -- Authorities - Authorizes two members of seven member airport authority board in Shelby County to be appointed by executive officer of participating municipality and approved by county board of commissioners. Amends TCA 42-4-105(c). by *Kent, *Chumney(SB30 by *Ford J, *Dixon).

Speaker Naifeh requested that House Bill No. 32 be moved down ten places on the Calendar, which motion prevailed.

***House Bill No. 695** -- Telecommunications - Revises regulation of telecommunications service provider by public service commission; requires competition among providers to be made fair by requiring all regulation be applied impartially and without discrimination. Amends TCA Title 65, Chapter 4, Parts 1, 2; Title 65, Chapter 5, Part 2. by *Bragg, *Jackson, *Robinson, *Napier, *Bell, *Wood, *Davidson, *Pinion, *McAfee, *Ford S(SB891 by *Rochelle, *Henry, *Atchley, *Rice, *Hamilton).

Further consideration of House Bill No. 695, previously considered on April 17, 1995 and April 26, 1995, and reset to today's Calendar.

Rep. Purcell moved that House Bill No. 695 be reset so that it be heard as the first bill after 2:00 p.m. on today's Calendar, which motion prevailed.

House Bill No. 1316 -- Employment Security, Dept. of - Authorizes department to file lien to encumber business owner's property while action for payment under protest proceeds before Tennessee claims commission; suspends all other collection actions. Amends TCA 50-7-404. by *Patton(*SB994 by *Crowe).

Further consideration of House Bill No. 1316, previously considered on April 26, 1995, and reset to today's Calendar.

Rep. Patton requested that House Bill No. 1316 be moved down ten places on the Calendar, which motion prevailed.

House Bill No. 968 -- Alcoholic Beverages - Enacts "Alcohol Server Responsibility and Training Act of 1995." Amends TCA Title 57,

Chapter 3; 57-3-203, 204; 57-4-203(h); 57-5-105, 106. by *Odom, *Jones, S., *Langster, *Eckles, *Pruitt, *Robinson, *Herron(*SB353 by *Haynes).

Rep. Odom moved that House Bill No. 968 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 968 by deleting the language " five" from the amendatory language of SECTION 1, Section 703, subsection 1, and by substituting instead the language " eight" .

AND FURTHER AMEND by deleting the language " three" from the amendatory language of SECTION 1, Section 703, subsection 3, and by substituting instead the language " five" .

AND FURTHER AMEND by deleting the language " class" from the amendatory language of SECTION 1, Section 704, subsection 2, and by substituting instead the language " schedule" .

AND FURTHER AMEND by adding the language " prior to the submission" between the language " one year" and " of the application" of the amendatory language of SECTION 1, Section 704, subsection 5.

AND FURTHER AMEND by adding to SECTION 1, after Section 708, the following new section and renumbering the subsequent section accordingly:

Section 709. The Commission may assess an application and renewal fee for the permits to be issued under this part. The Commission may assess a certification fee to any organization or entity seeking certification under Section 705 of this part. The Commission shall establish such fees, only pursuant to rules promulgated in accordance with Title 4, Chapter 4, and such fees shall be limited only to covering the costs of implementing this act.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 968 by adding the following new language at the end of the amendatory Section 709 as added by amendment #1:

The Commission shall assess an application and renewal fee for the permits issued under this part in amount sufficient to fund any cost to the state which results from loss of federal funds to implement and administer this program.

AND FURTHER AMEND by deleting Section Seven and substituting instead the following:

Section Seven. Tennessee Code Annotated, Section 57-105, is amended by adding the following new subsection:

(j) A county legislative body may impose training certification restrictions or requirements on employees of a permit holder, but such restrictions or requirements shall not apply to any employee who is possessed of a server permit issued by the Alcoholic Beverage Commission pursuant to Part 7 of Chapter 3 of this title.

On motion, Amendment No. 2 was adopted.

Rep. Odom requested that House Bill No. 968 be moved down ten places on the Calendar, which motion prevailed.

***House Bill No. 1791** -- Unemployment Compensation - Makes new requirements of unemployed persons who wish to claim benefits; revises grounds for disqualification of benefits. Amends TCA Section 50-7-302(a) and Section 50-7-303(a)(4). by *Bittle, *Kerr, *Clabough, *Bird, *Boyer, *Sharp, *Coffey, *Duer, *Williams (Union), *Kent, *Newton, *Beavers, *Cantrell, *Peach, *Patton, *Ford S, *Roach, *Wood, *Haley(SB1779 by *Elsea, *Carter, *Haun, *McNally, *Atchley).

Rep. Duer moved that House Bill No. 1791 be passed on third and final consideration.

Rep. Curtiss moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1791 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. Tennessee Code Annotated, Section 50-7-302(a), is amended by adding the following new subdivision:

() The claimant has not left such claimant's most recent work either to avoid taking a drug or alcohol screening test, or after receiving a positive result to a drug or alcohol screening test.

On motion, Amendment No. 1 was adopted.

Rep. Duer moved that **House Bill No. 1791**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd,

Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

***House Bill No. 1796** -- Insurance Companies, Agents, Brokers - Changes second quarterly due date for gross insurance premium tax from August 29 to August 20. Amends TCA 56-4-205(a)(2). by *Bittle, *Kerr, *Cantrell, *Boyer, *Roach, *Coffey, *Hassell, *Williams (Union), *Kent, *Cole (Carter), *Newton, *Beavers, *Duer, *Bird, *Peach, *Wood, *Patton, *Haley, *Clabough(SB1784 by *Elsea, *McNally, *Atchley, *Haun, *Hamilton).

On motion, House Bill No. 1796 was made to conform with **Senate Bill No. 1784**; the Senate Bill was substituted for the House Bill.

Rep. Hassell moved that **Senate Bill No. 1784** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 624 -- Agriculture - Deletes requirement that board of agricultural museum submit annual report to governor. Amends TCA Title 43. by *Walley, *Odom (*SB873 by *McNally, *Wilder).

On motion, House Bill No. 624 was made to conform with **Senate Bill No. 873**; the Senate Bill was substituted for the House Bill.

Rep. Walley moved that Senate Bill No. 873 be passed on third and final consideration.

On motion, Rep. Bell withdrew Agriculture Committee Amendment No. 1.

Rep. Walley moved that **Senate Bill No. 873** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1503 -- Agriculture, Dept. of - Defines "plant pests" as species injurious to agricultural, horticultural, silvicultural or other interests of the state. Amends TCA Title 43, Chapter 6. by *Givens(*SB1298 by *Burks).

On motion, House Bill No. 1503 was made to conform with **Senate Bill No. 1298**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that Senate Bill No. 1298 be passed on third and final consideration.

On motion, Rep. Bell withdrew Agriculture Committee Amendment No. 1.

Rep. Givens moved that **Senate Bill No. 1298** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head,

Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

***Senate Bill No. 6** -- Wine, Wineries - Lowers required seating capacity of restaurants authorized to sell wine only from 50 to 40. Amends TCA 57-4-101, 102. by *Cohen(HB328 by *Jones R (Shelby)).

Further consideration of Senate Bill No. 6, previously considered on April 6, 1995, at which time the House Bill was substituted for the Senate Bill; the bill failed to receive a Constitutional majority and was re-referred to the Calendar and Rules Committee, and reset to today's Calendar.

Rep. Jones R(Shelby) moved that **Senate Bill No. 6** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	62
Noes	29
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Fowlkes, Garrett, Gunnels, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, McKee, McMillan, Miller, Napier, Newton, Odom, Phelan, Pruitt, Purcell, Rinks, Ritchie, Roach, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 62.

Representatives voting no were: Beavers, Bittle, Buck, Burchett, Byrd, Cross, Curtiss, Dunn, Ford, Givens, Haley, Hargrove, Herron, Kisber, McAfee, McDaniel, McDonald, Patton, Phillips, Pinion, Ramsey, Ridgeway, Sharp, Walley, White, Williams (Union), Windle, Winningham, Wood -- 29.

Representatives present and not voting were: Boyer, Lewis, Peach, Rhinehart, Shirley -- 5.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 149; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 149 -- Banks and Financial Institutions -- Makes customer's records held by financial institution subject to disclosure by subpoena issued in accordance with Rules of Civil Procedure. Amends TCA Title 45, Chapter 10. by *Crutchfield.

REGULAR CALENDAR, CONTINUED

House Bill No. 903 -- Aircraft and Airports - Makes certain mandatory qualifications for membership of metropolitan airport authority board permissive, and in Shelby County only, county executive to appoint two board members, subject to approval of county commission. Amends TCA 42-4-105. by *DeBerry L, *Jones U (Shelby), *Miller L(*SB1230 by *Ford J).

On motion, House Bill No. 903 was made to conform with **Senate Bill No. 1230**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry L moved that Senate Bill No. 1230 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1230 by deleting Section 2 in its entirety, and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 42-4-105(a)(2), is amended by adding the following language at the end of the subdivision:

Provided, however, in any county with a population in excess of eight hundred twenty-five thousand (825,000) according to the 1990 federal census or any subsequent federal census, such boards of commissioners may include, but are not limited to, a person of good standing and reputation in each of the following fields: engineering, law, industry or commerce and finance.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Jones R(Shelby) withdrew Committee Amendment No. 2.

Rep. DeBerry L moved that **Senate Bill No. 1230**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter),

Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Peach, Shirley -- 2.

Representatives present and not voting were: Joyce -- 1.

A motion to reconsider was tabled.

House Bill No. 1775 -- Bail, Bail Bonds - Requires that bail of defendant convicted of first degree murder, or a Class A or Class B felony be revoked immediately upon conviction in trial court. Amends TCA 40-11-113. by *Bittle, *Stamps, *McDaniel, *Kisber, *Williams (Union), *Roach, *Kent, *Bird, *Ramsey, *Kerr, *Clabough, *Davis, *Callicott, *Walley, *Newton, *Venable, *Coffey, *Duer, *Peach, *Cantrell, *Sharp, *Haley, *Shirley, *Wood, *Patton, *Ford S, *Beavers, *Westmoreland, *Buck, *Dunn(*SB1760 by *Person, *Atchley, *Elsea, *Miller J, *Leatherwood, *Wright, *Rice, *Carter, *Holcomb, *Haun, *Fowler, *Hamilton, *McNally).

Rep. Westmoreland moved that House Bill No. 1775 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1775 by deleting the amendatory language of SECTION 1 and substituting instead the following:

(b) If a defendant is convicted of first degree murder, a Class A felony or a violation of Tennessee Code Annotated, Section 39-11-117, 39-12-205, 39-13-304, 39-13-402, 39-13-503, 39-13-504, 39-14-403, 39-15-402, 39-17-107, 39-17-417(b), 39-17-417(c)(1), 39-17-417(i), 39-17-1004(b) or 39-17-1005, the judge shall revoke bail immediately, notwithstanding sentencing hearings, motions for a new trial, or related post-guilt determination hearings.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1775 in the amendatory language by deleting in line 3 the language " 39-14-403" and by substituting instead the language " 39-14-404" .

On motion, Amendment No. 2 was adopted.

Rep. Westmoreland moved that **House Bill No. 1775**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Haldeman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 32** -- Authorities - Authorizes two members of seven member airport authority board in Shelby County to be appointed by executive officer of participating municipality and approved by county board of commissioners. Amends TCA 42-4-105(c). by *Kent, *Chumney(SB30 by *Ford J, *Dixon).

Further consideration of House Bill No. 32, previously considered on today's Calendar.

Rep. Chumney requested that House Bill No. 32 be moved down ten places on the Calendar, which motion prevailed.

House Bill No. 1099 -- Safety - Restricts exemption of open air facilities where portable facilities can be located to those existing prior to July 1, 1985 under Tennessee Equitable Restrooms Act. Amends TCA Title 68, Chapter 120, Part 5. by *Chumney. (*SB1314 by *Cohen).

Rep. Chumney moved that House Bill No. 1099 be reset to the Calendar for Monday, May 22, 1995, which motion prevailed.

House Bill No. 1316 -- Employment Security, Dept. of - Authorizes department to file lien to encumber business owner's property while action for payment under protest proceeds before Tennessee claims commission; suspends all other collection actions. Amends TCA 50-7-404. by *Patton(*SB994 by *Crowe).

Further consideration of House Bill No. 1316, previously considered on today's Calendar.

Rep. Patton requested that House Bill No. 1316 be moved down ten places on the Calendar, which motion prevailed.

House Bill No. 968 -- Alcoholic Beverages - Enacts "Alcohol Server Responsibility and Training Act of 1995," Amends TCA Title 57, Chapter 3; 57-3-203, 204; 57-4-203(h); 57-5-105, 106. by *Odom, *Jones, S., *Langster, *Eckles, *Pruitt, *Robinson, *Herron(*SB353 by *Haynes).

Further consideration of House Bill No. 968, previously considered on today's calendar.

Rep. Odom moved that House Bill No. 968 be passed on third and final consideration.

Rep. Deberry J moved the previous question, which motion failed by the following vote:

Ayes	49
Noes	42
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bowers, Bragg, Buck, Byrd, Cantrell, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., Fitzhugh, Garrett, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jones, R. (Shelby), Jones, S., Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Patton, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Stulce, Tindell, Towns, Turner (Hamilton), West, Whitson, Winningham -- 49.

Representatives voting no were: Beavers, Bell, Brooks, Brown, Burchett, Callicott, Chumney, Clabough, Coffey, Cole (Dyer), DeBerry, L., Duer, Dunn, Ford, Fowlkes, Givens, Gunnels, Haley, Hicks, Jackson, Joyce, McKee, Newton, Peach, Phelan, Ramsey, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Turner (Shelby), Venable, Walley, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Wood -- 42.

Representatives present and not voting were: Boyer -- 1.

Rep. Odom moved that House Bill No. 968 be passed on third and final consideration.

Rep. Givens moved the previous question, which motion prevailed by the following vote:

Ayes	62
Noes	26

Representatives voting aye were: Armstrong, Arriola, Bowers, Buck, Byrd, Cantrell, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Langster, Lewis, McAfee, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Phelan, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Roach, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, White, Williams (Union), Wood -- 62.

Representatives voting no were: Bell, Bittle, Boyer, Brooks, Brown, Burchett, Callicott, Chumney, Clabough, Ford, Fowlkes, Haley, Hicks, McDaniel, Peach, Phillips, Ramsey, Rigsby, Ritchie, Shirley, Stamps, Turner (Shelby), Westmoreland, Whitson, Windle, Winningham -- 26.

Rep. Odom moved that **House Bill No. 968**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 80
Noes 14
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Bittle, Bowers, Bragg, Brown, Buck, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Bell, Brooks, Burchett, Byrd, Dunn, Ford, Haley, Hicks, Newton, Peach, Phillips, Ritchie, Shirley, Walley -- 14.

Representatives present and not voting were: Boyer -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their official stand from not voting to aye on House Bill No. 968 and have this statement entered in the Journal: Rep(s). Beavers.

REGULAR CALENDAR, CONTINUED

House Bill No. 437 -- Sunset Laws - Health facilities commission, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 68, Chapter 11. by *Kernell, *Garrett, *Brooks (*SB492 by *Haynes).

On motion, House Bill No. 437 was made to conform with **Senate Bill No. 492**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 492 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Amendment No. 2

Rep. Kernell moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 492 by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-222(a), is amended by adding a new item thereto, as follows:

() Health facilities commission, created by § 68-11-104;

On motion, Amendment No. 3 was adopted.

Rep. Rhinehart moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 492 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. Tennessee Code Annotated, Section 68-11-106, is amended by adding the following new subsection:

() A hospital with not more than thirty-five (35) licensed beds located in a county with a population of not more than six thousand (6,000) according to the 1990 federal census or any subsequent federal census, upon filing with the commission a statement of intent to provide home health services, may provide such home health services in the county where such hospital is located and each contiguous county having a population of not more than sixteen thousand (16,000) according to the 1990 federal census or any subsequent federal census, without obtaining a certificate of need. A hospital shall provide written notice of its intent to provide such home health care service to the commission on forms provided by the commission, simultaneously with the hospital's request to the board for licensing health care facilities.

Rep. Kernell requested that Senate Bill No. 492 be moved down ten spaces on the Calendar, which motion prevailed.

House Bill No. 752 -- Insurance, Health, Accident - Decreases from 20 to 15, number of days within which hearing will be held for action of commissioner in denying authority to issue insurance based on finding that benefits are not reasonable in relation to premium charged. Amends TCA 56-26-102. by *Williams (Williamson) (*SB828 by *Person).

On motion, House Bill No. 752 was made to conform with **Senate Bill No. 828**; the Senate Bill was substituted for the House Bill.

Rep. Williams(Williamson) moved that Senate Bill No. 828 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Amendment No. 1.

Rep. Williams(Williamson) moved that **Senate Bill No. 828** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 84
Noes 6
Present and not voting 6

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Bowers, Fitzhugh, Rigsby, Towns, West, White -- 6.

Representatives present and not voting were: Brooks, Brown, Chumney, Haley, Kernell, Shirley -- 6.

A motion to reconsider was tabled.

House Bill No. 1437 -- Child Abuse - Adds youth service organizations to those groups that may subject employees or volunteers to background checks; adds youth protection training option. Amends TCA 37-1-414, 38-6-114. by *Williams (Williamson), *Halteman Harwell, *West(*SB1030 by *Springer, *Crowe).

On motion, House Bill No. 1437 was made to conform with **Senate Bill No. 1030**; the Senate Bill was substituted for the House Bill.

Rep. Williams(Williamson) moved the Senate Bill No. 1030 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Williams(Williamson) moved that **Senate Bill No. 1030** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 668 -- Children - Permits any parent to consent to medical treatment of minor child; permits any married person to consent to medical treatment for such person or such person's spouse. by *Ritchie(*SB411 by *McNally).

On motion, House Bill No. 668 was made to conform with **Senate Bill No. 411**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that Senate Bill No. 411 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Ritchie moved that **Senate Bill No. 411** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 334 -- Pensions and Retirement Benefits - Allows retired teachers to have premiums for state group insurance automatically deducted from retirement pay. Amends TCA Title 8, Chapter 27, Part 3. by *Miller L(*SB164 by *Cohen, *Rochelle, *Hamilton, *Jordan, *Holcomb, *Crowe, *Atchley, *Burks, *Carter, *Cooper, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Harper, *Haun, *Haynes, *Henry, *Koella, *Kyle, *Leatherwood, *Miller J, *O'Brien, *Person, *Rice, *Springer, *Wallace, *Wilder, *Womack, *Wright).

Rep. Miller requested that House Bill No. 334 be moved down ten places on the Calendar, which motion prevailed.

House Bill No. 1705 -- Medical Occupations - Licenses orthopedic physician assistants. Amends TCA Title 63. by *Clabough, *Hargrove(*SB1635 by *Koella, *Rochelle).

On motion, House Bill No. 1705 was made to conform with **Senate Bill No. 1635**; the Senate Bill was substituted for the House Bill.

Rep. Clabough moved that Senate Bill No. 1635 be passed on third and final consideration

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Clabough moved that **Senate Bill No. 1635** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1637 -- Memphis - Subject to local approval, permits election of school board members to staggered terms beginning with October 1995 election; sets election day same as regular November election beginning in year 2000. Amends Chapter 39, Acts of 1868-1869, as amended. by *Chumney, *Jones U (Shelby), *Bowers, *DeBerry J, *Brooks(*SB1156 by *Kyle).

Further consideration of House Bill No. 1637, previously considered on April 27, 1995, and reset to today's Calendar.

On motion, House Bill No. 1637 was made to conform with **Senate Bill No. 1156**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 1156 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Chumney moved that **Senate Bill No. 1156** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 32** -- Authorities - Authorizes two members of seven member airport authority board in Shelby County to be appointed by executive officer of participating municipality and approved by county board of commissioners. Amends TCA 42-4-105(c). by *Kent, *Chumney(SB30 by *Ford J, *Dixon).

Further consideration of House Bill No. 32, previously considered on today's Calendar.

Rep. Kent moved that House Bill No. 32 be reset to the first available space on the first Calendar of 1996, which motion prevailed.

House Bill No. 735 -- DUI/DWI Offenses - Removes right of first time offender to serve 48 hour sentence at time when person is off from work and confinement will not interfere with person's regular employment. Amends TCA 55-10-403. by *Herron, *Haley, *Walley, *McDonald, *Ridgeway, *Lewis, *Pinion, *West, *Halteman Harwell, *Williams (Unio), *Givens, *Cantrell(*SB1389 by *Gilbert).

Further consideration of House Bill No. 735, previously considered on April 27, 1995, and reset to today's Calendar.

Rep. Herron moved that House Bill No. 735 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 735 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting the following language from the first sentence of subsection (a)(1):

;provided, that if such conviction is for forty-eight (48) hours it shall be served at a time when the person is off from work and when such confinement will not interfere with the person's regular employment

SECTION 2. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following new subsection (p):

(p)(1) An offender sentenced to a period of incarceration for a violation of Tennessee Code Annotated, 55-10-401, shall be required to commence service of such sentence within thirty (30) days of conviction or, if space is not immediately available in the appropriate municipal or county jail or workhouse within such time, as soon as such space is available. If in the opinion of the sheriff or chief administrative officer of a local jail or workhouse, space will not be available to allow an offender convicted of a violation of Tennessee Code Annotated, 55-10-401, to commence service of such sentence within ninety (90) days of conviction, such sheriff or administrative officer shall use alternative facilities for the incarceration of such offender. If an offender convicted of a violation of Tennessee Code Annotated, 55-10-401, prior to the effective date of this act has not commenced service of the sentence imposed within ninety (90) days such offender's conviction, the sheriff or administrative officer shall, after notifying the offender, use alternative facilities for the incarceration of such offender. The appropriate county or municipal legislative body shall approve the alternative facilities to be used in such county or municipality.

(2) As used in this subsection "alternative facilities" include, but are not limited to, vacant schools or office buildings or any other building or structure owned, controlled or used by the appropriate governmental entity that would be suitable for housing such offenders for short periods of time on an as-needed basis. A governmental entity may contract with another governmental entity or private corporation or person for the use of alternative facilities when needed and

governmental entities may, by agreement, share use of alternative facilities.

(3) Nothing in this subsection shall be construed to give an offender a right to serve a sentence for a violation of Tennessee Code Annotated, Section 55-10-401, in an alternative facility or within a specified period of time. Failure of a sheriff or chief administrative officer of a jail to require an offender to serve such a sentence within a certain period of time or in a certain facility or type of facility shall have no effect upon the validity of the sentence.

SECTION 3. This act shall take effect on July 1, 1995, the public welfare requiring it and shall apply to the service of all sentences pronounced on or after such date.

On motion, Amendment No. 1 was adopted.

Rep. Herron moved that **House Bill No. 735**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1316 -- Employment Security, Dept. of - Authorizes department to file lien to encumber business owner's property while action for payment under protest proceeds before Tennessee claims commission; suspends all other collection actions. Amends TCA 50-7-404. by *Patton(*SB994 by *Crowe).

Further consideration of House Bill No. 1316, previously considered on today's Calendar.

Rep. Patton moved that House Bill No. 1316 be passed on third and final consideration.

On motion, Rep. Patton withdrew Amendment No. 1.

Rep. Patton moved adoption of Amendment No. 2 as follows:
Amendment No. 2

AMEND House Bill No. 1316 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-7-404(g), is amended by deleting the subsection in its entirety and by substituting instead the following:

(g) The provisions of Title 9, Chapter 8, Parts 3 and 4, shall be applicable to claims for refund and determination except as herein provided. Notwithstanding the provisions of Tennessee Code

Annotated, Section 9-8-402(a), to the contrary, any employer who wishes to challenge all or any portion of a determination of liability for premiums herein required to be paid shall proceed as follows:

(1) The employer may pay the entire disputed amount under protest and thereupon file suit within thirty (30) days against the commissioner to recover same; or

(2) The employer may pay under protest at least one (1) full assessed premium (including any interest and penalty associated therewith) for the most recent calendar quarter in each taxable year in which the employer has been determined to be liable and thereupon file suit against the commissioner within thirty (30) days for refund and determination of liability.

(A) Payments under protest as prescribed in (g) (1) and (g) (2) must be made within ninety (90) days from the date of mailing of the department's initial written notice of determination or within fifteen (15) days of the date of mailing of the department's written notice of re-determination pursuant to subsection (i) (4) (B).

(B) A suit for refund and determination of liability filed by an employer under subsection (g) (2) shall operate to stay collection (except for the filing of tax liens as provided by subsection (b) (1) and (b) (2) of the disputed assessment of premiums, interest, and penalties included in the employer suit until dismissal or final determination thereof, if the employer also files with the complaint either a corporate surety bond or an irrevocable letter of credit issued by a qualified surety company or bank in a principal amount equal to one hundred percent (100%) of the assessment or portion thereof which is challenged minus the amounts paid under protest.

(C) A corporate surety company shall be "qualified" to issue a surety bond if it is authorized by the commissioner of commerce and insurance to engage in the surety insurance business in this

state, and a bank shall be "qualified" to issue its irrevocable letter of credit if it has been designated by the state treasurer as an authorized depository bank for the deposit of state funds, unless it has been determined by the commissioner to be not qualified for this purpose, based on reasonable standards uniformly applied.

(D) In the event the employer's suit is withdrawn or dismissed, or final judgment thereon is rendered in favor of the commissioner as to all or any portion of the challenged assessment, the commissioner shall be entitled to collect the amount of the assessment, interest accrued thereon, and any penalty assessed against the employer, by enforcement of the bond, the letter of credit, or the lien.

(E) The stay of collection herein provided shall be applicable only to the disputed amounts included in the employer's original complaint, and no stay of collection shall apply to assessments for additional premiums unless or until the employer makes the requisite payment under protest and files an amended complaint together with the required corporate surety bond or irrevocable letter of credit in sufficient amount as provided in subsection (g) (2) (A) & (B).

(3) Premiums, interest, penalties and costs shall continue to accrue until the dispute is finally resolved and any recovery in favor of an employer shall be paid as provided for other refunds herein.

SECTION 2 This act shall take effect July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Patton moved that **House Bill No. 1316**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Haldeman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 107** -- Law Enforcement - Makes law enforcement officers and their employers immune for injuries caused to third party by suspect fleeing pursuit; makes injured third party eligible for claim under criminal injuries compensation fund for injury caused by fleeing suspect or pursuing officer. Amends TCA Title 29, Chapter 13, Part 1; Title 55, Chapter 8, Part 1. by *Walley, *Kent, *Cantrell, *Ford S, *Cole (Dyer), *Byrd, *Givens, *Sharp, *West, *Haley, *Bird, *Hassell, *Kisber, *Langster, *Williams (Union), *Shirley(SB638 by *Fowler, *Crowe, *Person).

Further consideration of House Bill No. 107, previously considered on April 27, 1995, and reset to today's Calendar.

Rep. Walley moved that House Bill No. 107 be reset to the first available space on the Calendar in March of 1996, which motion prevailed.

***Senate Bill No. 492** -- Sunset Laws -- Health facilities commission, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 68, Chapter 11. by *Haynes (HB437 by *Kernell, *Garrett, *Brooks).

Further consideration of Senate Bill No. 492 previously considered on today's Calendar.

Rep. Rhinehart moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 492 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. Tennessee Code Annotated, Section 68-11-106, is amended by adding the following new subsection:

() A hospital with not more than thirty-five (35) licensed beds located in a county with a population of not more than six thousand (6,000) according to the 1990 federal census or any subsequent federal census, upon filing with the commission a statement of intent to provide home health services, may provide such home health services in the county where such hospital is located and each contiguous county having a population of not more than sixteen thousand (16,000) according to the 1990 federal census or any subsequent federal census, without obtaining a certificate of need. A hospital shall provide written notice of its intent to provide such home health care service to the commission on forms provided by the commission, simultaneously with the hospital's request to the board for licensing health care facilities.

Rep. Kernell moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes 73

Noes 19
Present and not voting 2

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hassell, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Cole (Carter), Curtiss, Davidson, Davis, DeBerry, L., Duer, Eckles, Gunnels, Hicks, Huskey, Lewis, McKee, Newton, Rhinehart, Ridgeway, Rigsby, Sharp, Stulce, Turner (Hamilton) -- 19.

Representatives present and not voting were: Bittle, Winningham - 2.

Rep. Kernell moved that **Senate Bill No. 492**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 2
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Duer, Rigsby -- 2.

Representatives present and not voting were: Buck -- 1.

A motion to reconsider was tabled.

***House Bill No. 554** -- Smoking - Enacts "Children's Act for Clean Indoor Air" regulating smoking of tobacco in public places children frequent. by *Halteman Harwell, *Coffey, *Haley, *Kernell, *Byrd, *Cross, *Ridgeway, *Williams (Union) (SB590 by *Henry, *Cohen, *McNally).

Further consideration of House Bill No. 554, previously considered on April 27, 1995, and reset to today's Calendar.

Rep. Halteman Harwell moved that House Bill No. 554 be reset to the Calendar for Thursday, May 25, 1995, which motion prevailed.

House Bill No. 1291 -- Game and Fish Laws - Authorizes TWRA to issue new hunting permit for Reelfoot waterfowl blind for \$50.00. Amends TCA 70-2-219(a). by *Pinion(*SB1408 by *Gilbert).

Further consideration of House Bill No. 1291, previously considered on April 13, 1995, and April 27, 1995, and reset to today's Calendar.

On motion, House Bill No. 1291 was made to conform with **Senate Bill No. 1408**; the Senate Bill was substituted for the House Bill.

Rep. Pinion moved that **Senate Bill No. 1408** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Dunn -- 1.

A motion to reconsider was tabled.

House Bill No. 1539 -- Education - Deletes statutory language which states that any superintendent or director of schools, who is appointed to such office by a popularly elected school board, is only required to have a baccalaureate degree in order to hold such office. Amends TCA Section 49-2-301. by *Winningham, *McAfee, *Duer, *Curtiss (*SB1333 by *Burks).

Further consideration of House Bill No. 1539, previously considered on April 6, 1995, April 10, 1995 and April 13, 1995, and reset to today's Calendar.

Rep. Winningham moved that House Bill No. 1539 be reset to the last Calendar of February, 1996, which motion prevailed.

House Bill No. 334 -- Pensions and Retirement Benefits - Allows retired teachers to have premiums for state group insurance automatically deducted from retirement pay. Amends TCA Title 8, Chapter 27, Part 3. by *Miller L(*SB164 by *Cohen, *Rochelle, *Hamilton, *Jordan, *Holcomb, *Crowe, *Atchley, *Burks, *Carter, *Cooper, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Harper, *Haun, *Haynes, *Henry, *Koella, *Kyle, *Leatherwood, *Miller J, *O'Brien, *Person, *Rice, *Springer, *Wallace, *Wildner, *Womack, *Wright).

Further consideration of House Bill No. 334, previously considered on today's Calendar.

On motion, House Bill No. 334 was made to conform with **Senate Bill No. 164**; the Senate Bill was substituted for the House Bill.

Rep. Miller moved that Senate Bill No. 164 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Counsel on Pensions and Insurance Amendment No. 1.

Rep. Miller moved that **Senate Bill No. 164** be passed on third and final consideration, and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 1690 -- Workers' Compensation - Authorizes risk-sharing agreements for creation and operation of common fund pools, interlocal agreements and other methods to allow municipal utilities and electric coops to provide administration and payment of obligations under workers' compensation law or other employee injury fund. Amends TCA Titles 50, 56; Title 7, Chapter 82. by *Coffey(*SB1720 by *Gilbert).

Rep. Coffey moved that House Bill No. 1690 be passed on third and final consideration.

Rep. Turner(Shelby) moved adoption of Consumer and Employment Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1690 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

Section 1. As used in this act, unless the context otherwise requires:

(a) "Electric cooperative" means an electric cooperative or electric membership corporation, whether organized or operating under the provisions of Tennessee Code Annotated, Title 65, Chapter 25, or similar statutes of any other state, which distributes electric power purchased from the Tennessee Valley Authority (TVA).

(b) "Interlocal agreement" means an agreement authorized by Tennessee Code Annotated, Title 12, Chapter 9, or by this act, or by both.

(c) "Municipal utility" means any governmental entity as defined in Tennessee Code Annotated, Section 29-20-102, having a system for the distribution of electric power whether operated under the authority of a board of the governmental entity, by a department of the governmental entity or under the authority of a board created pursuant to the Tennessee Municipal Electric Plant Act, or by the authority of any other law of the State of Tennessee, and that operates an electric generation or distribution system which distributes electric power purchased from the Tennessee Valley Authority; and shall also include any municipality, county or other political subdivision of another state, whether operated under a board or as a county or municipal department, which distributes electric power purchased from the Tennessee Valley Authority.

(d) "Association captive insurance company" means an association captive insurance company described in Tennessee Code Annotated, Section 56-13-102(4), operated by an association described in Tennessee Code Annotated, Section 56-13-102(3) (C).

Section 2. For the purpose of insuring or self-insuring the obligations and liabilities under Tennessee Code Annotated, Title 50, Chapter 6, municipal utilities and electric cooperatives are authorized to enter into interlocal agreements to pool their liabilities pursuant to the provisions of Tennessee Code Annotated, Section 29-20-401, as if each electric cooperative were a "governmental entity" for purposes of Tennessee Code Annotated, Section 29-20-401, and as if each cooperative were a "public agency" for purposes of Tennessee Code Annotated, Title 12, Chapter 9, and under which the interlocal agreement is administered by an association captive

insurance company or any of its affiliates or subsidiaries. The general assembly hereby finds and determines that participation in such interlocal agreements by electric cooperatives and municipal utilities provides a mutual benefit to help reduce the expense of operations of municipal utilities and electric cooperatives and hence reduces the cost of electricity for the citizens of Tennessee and hereby finds that all contributions of financial and administrative resources and associated costs and expenses made by a municipal utility pursuant to an interlocal agreement as authorized herein are made for a public and governmental purpose and that all such contributions benefit the contributing municipal utilities. To the extent that such interlocal agreements provide for the respective parties to indemnify or hold harmless each other from certain liabilities arising out of participation in the pooling agreement, such provisions are authorized in accordance with the foregoing findings of the general assembly.

Section 3. An association captive insurance company may directly or through an entity it may create and control, enter into agreements with participating governmental entities or electric cooperatives under Tennessee Code Annotated, Section 29-20-401, to serve as administrator or act as the special fund or legal or administrative entity of the pooled financial and administrative resources thereunder and under this act, and may charge fees and costs for such services as administrator, and may provide insurance or reinsurance for excess losses above such amounts as are retained by the pooled financial resources the same as if it were created by governmental entities under the provisions of Tennessee Code Annotated, Section 29-20-401(e), for such purposes an electric cooperative shall be deemed to be a governmental entity. To the extent that an association captive insurance company shall be deemed to become a party to an interlocal agreement, it shall be deemed to have the status of a public agency for such purposes. The administrative activities and operations of the fund or entity, whether by, through or under the direction or supervision of the association captive insurance company or otherwise, shall be subject to the provisions of Tennessee Code Annotated, Section 29-20-401(d), and certificates of compliance may be issued as authorized by Tennessee Code Annotated, Section 29-20-401(c) (2).

Section 4. Nothing in this act shall be construed to confer upon any electric cooperative any immunity from liability for damages for injuries to person or property granted to a governmental entity under the provisions of the Tennessee Governmental Tort Liability Act, nor to prevent a municipal utility from exercising any right, privilege or option it may have under the Workers Compensation Law.

Section 5. Nothing in this act shall preclude a municipal utility or electric cooperative from participating in any other insured, self-insured, or risk-pooling arrangement permitted under any other law of this State.

Section 6. Nothing in this act shall be deemed to be an implied repeal of any of the provisions of Tennessee Code Annotated, Title 65, Chapter 25.

Section 7. This act shall be liberally construed to permit electric cooperatives and municipal utilities to enter into agreements to pool their resources to provide for satisfaction of obligations under the Workers Compensation Law as if electric cooperatives were governmental entities under Tennessee Code Annotated Section 28-20-401 or public agencies under Tennessee Code Annotated, Title 12, Chapter 9.

Section 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect with the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Coffey moved that **House Bill No. 1690**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1170; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 1170 -- Courts, Supreme Court of Tennessee -- Gives judicial council duty to evaluate and review proposed

legislation referred to it by rule of either house of general assembly. Amends TCA Title 16. by *Crutchfield.

REGULAR CALENDAR, CONTINUED

House Bill No. 965 -- Corporations - Revises Limited Liability Company Act; permits actual existence of LLC to begin on future date not more than 120, rather than 90 days, after initial filing. Amends TCA Title 48, Chapters 201 -- 248. by *Purcell, *Hargrove (*SB575 by *Kyle, *Gilbert).

On motion, House Bill No. 965 was made to conform with **Senate Bill No. 575**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 965 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Purcell moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 575 by deleting in subdivision (4) of the amendatory language of Section 6 of Amendment Number 1 the language "§48-217(f)" and by substituting instead the language "§48-217-101(f)".

AND FURTHER AMEND by deleting subsection (h) of Section 20 in Amendment Number 1 and by substituting instead the following:

(h) MODIFICATION BY ARTICLES OR OPERATING AGREEMENT.

Notwithstanding other provisions in this section, the articles or operating agreement may establish the amount to be paid a withdrawing or terminating member or a method for establishing such amount and may also establish the terms of payment of such amount. Such established amount, or the method of determining such amount, and such established terms of payment shall control.

On motion, Amendment No. 2 was adopted.

Rep. Purcell moved that **Senate Bill No. 575**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis,

McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 520 -- Partnerships - Provides for formation, registration and regulation of registered limited liability partnerships. Amends TCA Title 61, Chapter 1. by *Purcell, *Rinks, *Hargrove, *Ridgeway(*SB193 by *Kyle, *Rochelle, *Fowler).

On motion, House Bill No. 520 was made to conform with **Senate Bill No. 193**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 193 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Purcell moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 193 by deleting the words " and (d);" at the end of the directory language of Section 3 and substituting instead the language " (d), and (e);" and by adding the following new subsection (e) to the amendatory language thereof:

(e) Notwithstanding any other provision of this chapter of this title to the contrary, each person, partner, or employee required to collect, truthfully account for, and pay over to the department of revenue any tax collected from the customers of a registered limited liability partnership shall be personally liable for such taxes in the same manner as responsible persons of a corporation under the same provisions of § 67-1-1443.

On motion, Amendment No. 2 was adopted.

Rep. Purcell moved that **Senate Bill No. 193**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones,

U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

***House Bill No. 691** -- Courts, Supreme Court of Tennessee - Gives judicial council duty to evaluate and review proposed legislation referred to it by rule of either house of general assembly. Amends TCA Title 16. by *Purcell, *Hargrove(SB1170 by *Crutchfield).

On motion, House Bill No. 691 was made to conform with **Senate Bill No. 1170**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 1170 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Purcell moved that **Senate Bill No. 1170** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 99

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 1773 -- Sentencing - Permits the district attorney general to use prior delinquent acts that would constitute a felony if committed by an adult to enhance the sentence of an adult offender as a multiple, persistent or career offender. Amends TCA Title 40, Chapter 35. by *Bittle, *Kent, *Cole (Carter), *Kisber, *Williams (Union), *Roach, *Bird, *Ramsey, *Kerr, *Clabough, *Davis, *Westmoreland, *Callicott, *Coffey, *Walley, *Newton, *Venable, *Stamps, *Duer, *Peach, *Cantrell, *Sharp, *Patton, *Beavers, *Haley, *Shirley, *Wood, *Ford S, *Dunn, *Pinion(*SB1758 by *Miller J,

*Atchley, *Person, *McNally, *Rice, *Leatherwood, *Holcomb, *Fowler, *Hamilton).

On motion, House Bill No. 1773 was made to conform with **Senate Bill No. 1758**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 1758 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Kent moved that **Senate Bill No. 1758** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Bowers, Brooks -- 2.

A motion to reconsider was tabled.

House Bill No. 985 -- Fees - Increases clerk's commission from 5 to 10 percent for clerks of various courts in Shelby County for performing various services; authorizes certain new fees for such clerks. Amends TCA 8-14-205; Title 8, Chapter 21; 36-3-604; 40-24-101; 40-3-206; 40-11-204; 40-14-202. by *DeBerry L, *Odom, *Kent(*SB882 by *Ford J, *Dixon).

On motion, House Bill No. 985 was made to conform with **Senate Bill No. 882**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry L moved that Senate Bill No. 882 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 882 by deleting the period "." at the end of SECTION 5 and substituting instead the following:

; provided, further, however that in the juvenile court of counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, such sum shall remain at five percent (5%) for any such payments.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 882 by deleting SECTION 5, as amended by House Judiciary Committee Amendment No. 1, in its entirety and by renumbering subsequent sections accordingly.

On motion, Amendment No. 2 was adopted.

Rep. DeBerry L moved that Senate Bill No. 882 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

House Bill No. 389 -- DUI/DWI Offenses - Requires inclusion of educational pamphlet regarding DUI/DWI laws in driver license renewal notices. Amends TCA 55-50-338. by *Ridgeway, *Herron(*SB196 by *Cohen).

Rep. Ridgeway moved that House Bill No. 389 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 389 by deleting the first sentence in its entirety of subsection (d) of the amendatory language of Section 1 and by substituting instead the following:

The department shall make available at all driver license stations and shall include in general or routine mailings to drivers pursuant to this part, when the department deems it appropriate to the nature of the correspondence, an educational pamphlet or insert explaining the effects of drugs and alcohol on a person's ability to operate a vehicle and the applicable Tennessee laws pertaining to the operation of a vehicle while under the influence of alcohol and drugs.

On motion, Amendment No. 1 was adopted.

Rep. Ridgeway moved that **House Bill No. 389**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
 Noes 0
 Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Dunn -- 1.

A motion to reconsider was tabled.

***House Bill No. 134** -- Malpractice, Professional - Enacts "Therapist Sexual Misconduct Victims Compensation Act." Amends TCA Title 29. by *Herron(SB406 by *Cohen).

Rep. Herron moved that House Bill No. 134 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

***House Bill No. 125** -- DUI/DWI Offenses - Creates presumption that after person's second or subsequent DUI such person should be ordered to only operate motor vehicle equipped with ignition interlock device. Amends TCA Title 55, Chapter 10, Part 4. by *Herron, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *McDonald, *West, *Shirley, *Haley, *Miller L, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Halteman Harwell, *Lewis, *Walley, *Byrd, *Ford S, *Givens(SB369 by *Cohen).

Rep. Herron moved that House Bill No. 125 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 and 2 as House Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 125 by deleting subsection (1)(1) of the amendatory language of SECTION 1 in its entirety and substituting instead the following:

(I)(1) A person's second or subsequent violation of Tennessee Code Annotated, Section 55-10-401, creates an inference that the provisions of subsection (d) are necessary to protect the public and that the court should

order that such offender's motor vehicle be equipped with a functioning interlock device as defined by such subsection. To overcome such inference, the court must make an affirmative finding on the record that there is sufficient cause not to enter such an order and must state such cause on the record. If the court determines that the inference has not been overcome and orders use of an interlock device, it shall make a further finding as to whether the offender's motor vehicle will be equipped with the device:

- (A) For all or a portion of the time the driver license of such offender is suspended or restricted pursuant to § 55-10-403;
- (B) Only after such offender's driver license is no longer suspended or restricted pursuant to § 55-10-403; or
- (C) A combination of subparts (A) and (B).

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 125 by adding the following new subpart (2) to subsection (1) of the amendatory language of SECTION 1 and by renumbering present subpart (2) accordingly:

(2) All interlock devices ordered pursuant to this subsection shall be of the type that records and stores the driver's blood alcohol content at certain intervals for use by the court as provided by law. No such device ordered pursuant to this subsection shall be used that will or that may be set, modified or adjusted to automatically turn the motor vehicle's engine off after it has been started.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes 73
Noes 16

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hassell, Herron, Hicks, Jackson, Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McMillan, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Sharp, Shirley, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 73.

Representatives voting no were: Bowers, Brooks, Callicott, Chumney, DeBerry, L., Duer, Gunnels, Jones, R. (Shelby), Jones, U. (Shelby), McKee, Miller, Odom, Roach, Stamps, Towns, Westmoreland -- 16.

Rep. Herron moved that **House Bill No. 125**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	7
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Herron, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Head, Hicks, Phelan, Rhinehart, Rigsby, Turner (Shelby), Westmoreland -- 7.

Representatives present and not voting were: Eckles -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 125 and have this statement entered in the Journal: Rep(s). Eckles.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 1:30 p.m.

RECESSED EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

PERSONAL ORDERS

RECOGNITION

Rep. Beavers was recognized in the Well to introduce the 1994-1995 Forrest High School Girl's Basketball Team. The Clerk read House Resolution No. 81.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1815** -- Youth Development, Dept. of - Defines as "state employee" contract secured employee of department of youth development solely to extent such employee is permitted to drive state vehicle for the purpose of transportation of juveniles. Amends TCA 8-42-101(3)(A). by *Davis, *Williams (Union), *Haley, *Kerr, *Peach, *Coffey, *Kent, *Newton, *Roach, *Duer, *Cantrell, *Boyer, *Beavers, *Bird, *Patton, *Wood, *Clabough(SB1804 by *Haun, *Atchley, *McNally, *Elsea, *Hamilton).

Rep. Williams(Union) moved that House Bill No. 1815 be passed on third and final consideration.

Rep. Tindell moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1815 by deleting the word "secured" in the printed bill wherever it appears and by substituting instead the word "security".

On motion, Amendment No. 1 was adopted.

Rep. Williams(Union) moved that **House Bill No. 1815**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 256** -- Environmental Preservation - Requires filing of well digger's report in 15 rather than 30 days. Amends TCA Title 69. by *Odum(SB875 by *McNally).

Rep. Odom moved that **House Bill No. 256** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 1548 -- Nurses, Nursing - Establishes level of privileged communications between registered psychiatric nurse and patient. Amends TCA Title 63, Chapter 7, Part 1. by *Odom, *Halteman Harwell, *Chumney, *Stamps(*SB902 by *Person, *Holcomb, *Crowe).

On motion, House Bill No. 1548 was made to conform with **Senate Bill No. 902**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 902 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Odom moved that **Senate Bill No. 902** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 232** -- DUI/DWI Offenses - Requires rather than authorizes judges to require interlock device to be installed if person is convicted of driving under the influence of intoxicant. Amends TCA Title 55, Chapter 10, Part 4. by *Odom, *Jones, S(SB846 by *Holcomb).

Rep. Odom moved that Bill No. 232 be reset to the Calendar for Monday, May 22, 1995, which motion prevailed.

House Bill No. 259 -- Noise Pollution - Excludes sports shooting range operators and users of such ranges from civil liability or criminal prosecution relative to noise pollution in certain cases. Amends TCA Title 39. by *Odom(*SB82 by *Henry, *Kyle, *Miller J).

On motion, House Bill No. 259 was made to conform with **Senate Bill No. 82**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved the Senate Bill No. 82 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

REGULAR CALENDAR, CONTINUED

Rep. Odom moved that **Senate Bill No. 82** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 229** -- Mental Illness - Removes requirement that at least one of required certificates of need committing person to private mental health facility come from professional not employee of such facility, if facility is academic health center affiliated with accredited private college of medicine. Amends TCA Title 33, Chapter 3, Part 1. by *Odom, *Langster(SB770 by *Haynes).

On motion, House Bill No. 229 was made to conform with **Senate Bill No. 770**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 770 be passed on third and final consideration.

On motion, Rep. Buck moved to withdraw Judiciary Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 770** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Boyer, Peach -- 2.

A motion to reconsider was tabled.

House Bill No. 1329 -- Insurance, Health, Accident - Authorizes health insurance insurer and insured to contractually waive insured's statutory right to purchase health insurance coverage for unborn child if and only if insured or insured's spouse is pregnant with unborn child at time insured initially purchases coverage. Amends TCA Title 56, Chapter 7, Part 23. by *Odom(*SB1536 by *Henry).

On motion, House Bill No. 1329 was made to conform with **Senate Bill No. 1536**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 1536 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 1536** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps,

Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Chumney -- 1.

A motion to reconsider was tabled.

House Bill No. 546 -- Licenses - Authorizes board of professional counselors to license without examination applicants licensed in other states. Amends TCA Title 63, Chapter 22, Part 1. by *Lewis, *Rinks, *Halteman Harwell(*SB431 by *Dixon, *Miller J).

On motion, House Bill No. 546 was made to conform with **Senate Bill No. 431**; the Senate Bill was substituted for the House Bill.

Rep. Lewis moved that Senate Bill No. 431 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 2.

Rep. Lewis moved that **Senate Bill No. 431** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 431 and have this statement entered in the Journal: Rep(s). McDonald.

REGULAR CALENDAR, CONTINUED

House Bill No. 1770 -- Criminal Offenses - Redefines "offense of stalking" to remove requirement that intention of defendant be proven;

increases from Class E to Class C felony offense of stalking where defendant has prior conviction for stalking same victim within seven years. Amends TCA Section 39-17-315. by *Bittle, *Halteman Harwell, *Stamps, *McDaniel, *Kisber, *Williams (Union, *Roach, *Kent, *Ramsey, *Kerr, *Bird, *Clabough, *Beavers, *Davis, *Westmoreland, *Coffey, *Callicott, *Newton, *Venable, *Duer, *Peach, *Cantrell, *Sharp, *Wood, *Shirley, *Haley, *Patton, *Ford S, *Buck, *Dunn(*SB1755 by *Koella, *Atchley, *Wright, *Person, *Rice, *Leatherwood, *Jordan, *McNally, *Carter, *Holcomb, *Miller J, *Elsea, *Haun, *Fowler, *Hamilton).

Rep. Halteman Harwell moved that House Bill No. 1770 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1770 by deleting from subsection (a)(1) of the amendatory language of SECTION 1 the word "repeatedly" and substituting instead the words "intentionally and repeatedly" .

FURTHER AMEND by deleting from subsection (a)(1) of the amendatory language of SECTION 1 the words "so as to cause" and substituting instead the words "in such a manner as would cause" .

FURTHER AMEND by deleting subsection (b)(3) of the amendatory language of SECTION 1 in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1770 by deleting from subsection (a)(1) of the amendatory language of SECTION 1 the word "harm" and substituting instead the word "injury" .

FURTHER AMEND by deleting from subsection (a)(2)(A) of the amendatory language of SECTION 1 the words "a sexual offense" and substituting instead the words "an assault" .

FURTHER AMEND by deleting from subsection (a)(2)(B) of the amendatory language of SECTION 1 the words "a sexual offense" and substituting instead the words "an assault" .

On motion, Amendment No. 2 was adopted.

Rep. Halteman Harwell moved that House Bill No. 1770, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1642** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special registration plates for motor vehicles registered or leased by World War II veterans. Amends TCA Title 55, Chapter 4, Part 2. by *West(SB1693 by *Rochelle).

Rep. West moved that House Bill No. 1642 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1642 by deleting from subsection (a) of the amendatory language of Section 1 the language " , free of charge," .

AND FURTHER AMEND by adding the following language as Section 2 and renumbering the subsequent sections accordingly:

Tennessee Code Annotated, Section 55-4-203, is amended by adding the following language as an appropriately numbered new subsection:

() World War II veteran - twenty-five dollars (\$25.00);

AND FURTHER AMEND by adding at the end of the amendatory language of Section 1 the following as a new subsection:

() The department shall not implement the provisions of this section unless at least one hundred (100) registration plates are ordered pursuant to the provisions of this section.

On motion, Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 1642**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 857 -- Driver Licenses - Raises minimum age required for obtaining driver license learner permit. Amends TCA Title 55, Chapter 50. by *Ritchie(*SB973 by *Holcomb, *Cohen, *Person).

On motion, House Bill No. 857 was made to conform with **Senate Bill No. 973**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that Senate Bill No. 973 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 3.

On motion, Rep. Head withdrew Transportation Committee Amendment No. 4.

Rep. Ritchie moved that **Senate Bill No. 973** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 55
Noes 28

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bowers, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Cole (Carter), Cole (Dyer), DeBerry, L., Duer, Dunn, Fitzhugh, Haley, Halteman Harwell, Hassell, Herron, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, McAfee, McDaniel, McMillan, Miller, Napier, Patton, Pinion, Purcell, Ramsey, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Wood, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Bell, Boyer, Callicott, Clabough, Cross, Curtiss, Davidson, Davis, Ford, Fowlkes, Gunnels, Hargrove, Head, Hicks, Huskey, Kerr, Lewis, McDonald, McKee, Newton, Pruitt, Rhinehart, Ridgeway, Rigsby, Williams (Union), Williams (Williamson), Windle, Winningham -- 28.

A motion to reconsider was tabled.

***House Bill No. 610** -- Criminal Offenses - Requires persons convicted of abusing child age six or less to serve entire sentence imposed by court undiminished by sentence reduction credits; permits earning credits for purpose of increased privileges, reduced security classification or other purposes other than reduction of sentence. Amends TCA Title 39. by *Napier(SB888 by *Jordan).

Rep. Napier moved that House Bill No. 610 be passed on third and final consideration.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 610 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be _____ an appropriation of funds and no funds shall be obligated or expended _____ pursuant to this act unless such funds are specifically appropriated by the _____ general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Napier moved that **House Bill No. 610**, as amended, be passed on third and final consideration, and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1478 -- Audiologists and Speech Pathologists - Combines board for licensing hearing aid dispensers with board of speech pathology and audiology. Amends TCA Title 63, Chapters 15, 17. by *Kernell, *Kent(*SB1550 by *Koella).

Rep. Kernell requested that House Bill No. 1478 be moved to the heel of the Calendar, which motion prevailed.

***House Bill No. 923** -- Securities - Enacts "Uniform Transfer on Death Security Registration Act." Amends TCA Title 47, Chapter 8. by *Buck, *Phillips(SB1453 by *Person, *Gilbert, *McNally).

Rep. Buck moved that House Bill No. 923 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 923 by deleting the second sentence of SECTION 7 in its entirety and by substituting instead the following sentence:

On proof of death of all owners, compliance with any applicable requirements of the registering entity, and procurement of any inheritance tax waiver as required by Tennessee Code Annotated, Section 67-8-417, a security registered in beneficiary form may be reregistered in the name of the beneficiary or beneficiaries who survived the death of all owners.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 923**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 61** -- Banks and Financial Institutions - Makes customer's records held by financial institution subject to disclosure by subpoena issued in accordance with Rules of Civil Procedure. Amends TCA Title 45, Chapter 10. by *Buck(SB149 by *Crutchfield).

On motion, House Bill No. 61 was made to conform with **Senate Bill No. 149**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 149 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 149** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson,

Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

***House Bill No. 848** -- Tennessee Bureau of Investigation - Increases from 30 to 45 days time in which nominating commission for Tennessee bureau of investigation director must resubmit list of nominees when governor has rejected previous list. Amends TCA Title 38, Chapter 6. by *Buck(SB1528 by *Wilder).

Rep. Buck moved that House Bill No. 848 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 848 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 38-6-102(b), is amended by inserting in the first sentence between the words " fugitives from justice" and " and investigations" the language " the possible commission of any offense prohibited by Tennessee Code Annotated, Title 39, Chapter 16, Part 4, or any other offense involving the corruption of or misconduct by a public official" .

Section 2. Tennessee Code Annotated, Title 38, Chapter 6, is amended by adding the following as a new section:

If the bureau is investigating the possible commission of any offense specified in §38-6-102(b), the bureau may, but is not required to, notify the district attorney general where the investigation is being conducted of such investigation.

Section 3. This act shall take effect on July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **House Bill No. 848**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry,

L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 26** -- State Prisoners - Requires state prisons be constructed to resemble military barracks and meet only minimum required state or federal standards of comfort and safety; limits prisoner access to exercise or recreational equipment and limits TV watching to two hours a day. Amends TCA Title 41, Chapter 1, Part 4. by *Bird(SB518 by *Miller J).

Rep. Bird moved that House Bill No. 26 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

***House Bill No. 832** -- Hospitals and Health Care Facilities - Prohibits home health agencies from knowingly soliciting customers of other home health agencies. Amends TCA Title 68, Chapter 11. by *Haley, *Bowers, *Bird, *Brooks, *Chumney, *Jones U (Shelby), *Turner (Shelby), *McDaniel, *DeBerry L, *Jones R (Shelby), *Miller L, *Stamps, *Haley, *Kent(SB1454 by *Person, *Dixon, *Ford J, *Holcomb, *Jordan, *Leatherwood, *McNally).

Rep. Haley moved that House Bill No. 832 be passed on third and final consideration.

Rep. Haley moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 832 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1.

(a) Except as otherwise provided, the term "solicit" as used herein shall mean contact with a patient knowingly being treated by another home care organization for the purpose of attempting to persuade the patient to change home care organizations. The term "solicit" shall specifically include, but not be limited to, contacts by an existing or former employee of a home care organization for the purpose of persuading a patient of that home care organization to change to another home care organization.

(b) The term "solicit" as used herein shall not include a home care organization's communications to the general public or any advertising of services through means of direct mail. The prohibition on solicitation set forth herein shall in no way prevent a physician from making a recommendation to a patient that the patient use a particular home care organization's services based upon the physician's independent judgment.

(c) As used herein, the term "home care organization" shall have that meaning as set forth in Tennessee Code Annotated, Section 68-11-201.

SECTION 2. It shall be unlawful for any home care organization through its officers, directors, employees or agents to knowingly solicit any patient to change home care organizations if that patient is being treated at the time by another home care organization

SECTION 3. The purpose of this act is to promote and maintain the necessary quality and continuity of care provided by a home care organization to its patients. Nothing contained herein shall limit the right of a home care organization patient to change home care organizations at any such time as such patient shall so choose. Nothing contained herein shall prohibit any home care organization from discussing services with, or providing services to, someone who voluntarily makes an initial contact with such home care organization for the purpose of seeking services from such home care organization or who responds to a public advertisement by such home care organization.

SECTION 4. A home care organization found in violation of Section 2 of this act shall be subject to an injunction by either a Circuit or Chancery Court of competent jurisdiction prohibiting further solicitation. An action seeking injunctive relief may be initiated by any home care organization. The prevailing party may, in the Court's discretion, be awarded attorney's fees. The right to injunctive relief granted herein shall not prevent an offended organization from seeking monetary damages or any other relief against the offending organization to which it may be entitled at law or in equity.

SECTION 5. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding Sections 1 through 4 of this act.

SECTION 6. This act shall take effect upon becoming law, file public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 832 by adding the following to the end of Section 3:

Nor shall anything contained herein prohibit any home care organization from discussing services with, or providing services to, a patient when someone acting on the patient's behalf or in the patient's interest makes an initial contact with such home care organization.

On motion, Amendment No. 3 was adopted.

Rep. Haley moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 832 by adding the following to the end of Section 3:

Nothing herein shall be deemed to prohibit a managed care organization from requiring its enrollees to use only those home care organizations with which it has entered contracts for services.

On motion, Amendment No. 4 was adopted.

Rep. Haley moved that **House Bill No. 832**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	3
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Rapcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson,

Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Gunnels, Herron, Ritchie -- 3.

Representatives present and not voting were: Beavers, Coffey -- 2.

A motion to reconsider was tabled.

***House Bill No. 1809** -- Public Contracts -- Changes bidding procedures to be followed by general contractors submitting bids to department of general services so that information is to be furnished within bid or bid document and need not appear on the envelope. Amends TCA 62-6-119. by *Davis, *Beavers, *Bird, *Cantrell, *Clabough, *Coffey, *Duer, *Ford S, *Wood, *Williams (Union), *Sharp, *Roach, *Kerr, *Newton, *Kent, *Peach, *Haley, *Patton (SB1798 *Elsea, *Atchley, *Person, *Rice, *Carter, *Haun and *McNally).

Further consideration of House Bill No. 1809, previously considered on May 15, 1995, and reset to today's Calendar.

On motion, House Bill No. 1809 was made to conform with **Senate Bill No. 1798**; the Senate Bill was substituted for the House Bill.

Rep. Davis moved that Senate Bill No. 1798 be passed on third and final consideration.

Rep. Davis moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1798 by deleting subsection (b) in its entirety and substituting instead the following:

(b) However, bids administered by the department of general services shall require that the information be furnished within the bid or bid document and need not appear on the envelope. Upon request such bids will be read aloud at the official bid opening.

On motion, Amendment No. 1 was adopted.

Rep. Davis moved that **Senate Bill No. 1798**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 1
Present and not voting 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce,

Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Winningham -- 1.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

House Bill No. 1889 -- Bolivar -- Subject to local approval, amends city charter. Amends Chapter 142 of the Private Acts of 1953, as amended. by *Walley (SB1879 by *Wilder).

Further consideration of House Bill No. 1889, previously considered on May 15, 1995, and reset to today's Calendar.

On motion, House Bill No. 1889 was made to conform with **Senate Bill No. 1879**; the Senate Bill was substituted for the House Bill.

Rep. Walley moved that Senate Bill No. 1879 be passed on third and final consideration.

Rep. Walley moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1879 by deleting from the amendatory language of SECTION 1 the words "relative to the City of Bolivar" and substituting instead the words "is amended".

AND FURTHER AMENDED BY deleting from the amendatory language of SECTION 7 the period at the end of the fifth sentence of the second paragraph and substituting instead a comma.

AND FURTHER AMENDED BY deleting SECTION 10(b) of the amendatory language in its entirety and substituting instead the following:

(b) Jurisdiction, power, compensation. The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the city, and costs in such trials shall be fixed by ordinance. The city judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order including the power which justices of the peace have to fine for contempt. The sole compensation for serving as city judge shall be a salary fixed by the Council, and all fees for actions or cases in his court shall belong to the city and shall be paid into the city treasury. The compensation of the city administrator for serving as city judge shall be fixed by the affirmative vote of not less than five (5) members of the Council.

AND FURTHER AMENDED BY deleting from the amendatory language of SECTION 18 the words " of the legislative body" .

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that **Senate Bill No. 1879**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 962 -- Judicial Districts -- Authorizes qualified voters of 20th judicial district to elect additional circuit court judge in August 1998. Amends TCA Title 16, Chapter 2, Part 5. Repeals Chapter 124, Private Acts of 1963, as amended. by *Purcell, *West, *Pruitt, *Robinson, *Langster, *Garrett, *Jones, S., *Halteman Harwell, *Arriola, *Odom (*SB157 by *Haynes, *Harper).

Further consideration of House Bill No. 962, previously considered on May 15, 1995, and reset to today's Calendar.

On motion, House Bill No. 962 was made to conform with **Senate Bill No. 157**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 157** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0
Present and not voting 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee,

McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Kerr, Peach -- 2.

A motion to reconsider was tabled.

House Bill No. 1331 -- Tennessee Wildlife Resources Agency -- Authorizes TWRA to participate in federal wetlands mitigation banking program. Amends TCA 70-1-302. by *Odom (*SB1409 by *Gilbert).

Further consideration of House Bill No. 1331, previously considered on May 15, 1995, and reset to today's Calendar.

On motion, House Bill No. 1331 was made to conform with **Senate Bill No. 1409**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that **Senate Bill No. 1409** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Head -- 1.

A motion to reconsider was tabled.

House Bill No. 777 -- Railroads -- Creates Tennessee Railroad Passenger Commission to promote passenger rail service in Tennessee. Amends TCA Title 4. by *West, *Ramsey, *Venable, *Westmoreland (*SB1220 by *Harper).

Further consideration of House Bill No. 777, previously considered on May 15, 1995, and reset to today's Calendar.

Rep. West moved that House Bill No. 777 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

House Bill No. 1851 -- Dekalb County -- Subject to local approval, authorizes hotel/motel tax. by *Buck (SB1842 by *Burks).

Further consideration of House Bill No. 1851, previously considered on May 15, 1995, and reset to today's Calendar.

Rep. Buck moved that House Bill No. 1851 be passed on third and final consideration.

Rep. Purcell moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 1851** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes 6
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Burchett, Garrett, Herron, Pruitt, Sharp, West -- 6.

Representatives present and not voting were: Dunn -- 1.

A motion to reconsider was tabled.

House Bill No. 1892 -- Maury County -- Subject to local approval, authorizes \$25.00 wheel tax. by *Napier (SB1910 by *Jordan).

Further consideration of House Bill No. 1892, previously considered on May 15, 1995, and reset to today's Calendar.

Rep. Napier moved that **House Bill No. 1892** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 82
Noes 5
Present and not voting 2

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Burchett, Garrett, Herron, Sharp, West -- 5.

Representatives present and not voting were: Dunn, Halteman Harwell -- 2.

A motion to reconsider was tabled.

***House Bill No. 1829** -- Henderson -- Subject to local approval, authorizes hotel/motel tax. by *Walley (SB1817 by *Wilder).

Further consideration of House Bill No. 1829, previously considered on March 6, 1995, March 8, 1995, April 5, 1995, April 19, 1995 and May 15, 1995, and reset to today's Calendar.

Rep. Walley moved that **House Bill No. 1829** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes	6
Present and not voting	2

Representatives voting aye were: Armstrong, Beavers, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Bell, Burchett, Garrett, Herron, Sharp, West -- 6.

Representatives present and not voting were: Dunn, Hargrove -- 2.

A motion to reconsider was tabled.

House Bill No. 1854 -- Harriman -- Subject to local approval, authorizes hotel/motel tax. by *Cantrell (SB1843 by *O'Brien).

Further consideration of House Bill No. 1854, previously considered on April 3, 1995, April 5, 1995, April 19, 1995 and May 15, 1995, and reset to today's Calendar.

On motion, House Bill No. 1854 was made to conform with **Senate Bill No. 1843**; the Senate Bill was substituted for the House Bill.

Rep. Cantrell moved that **Senate Bill No. 1843** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes	9
Present and not voting	3

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Rigsby, Roach, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Burchett, Cross, Garrett, Hargrove, Herron, Jackson, Ridgeway, Sharp, West -- 9.

Representatives present and not voting were: Dunn, Rinks, Ritchie -- 3.

A motion to reconsider was tabled.

***Senate Bill No. 38** -- Utilities, Utility Districts -- Authorizes commissioners of South Blount County utility board by resolution to increase per diem for not more than 12 meetings to rate not exceeding \$250 per meeting for district having more than 3,000 users and \$100 per meeting for district having 3,000 or fewer users. Amends TCA Title 7, Chapter 82. by *Koella (HB285 by *Clabough).

Further consideration of Senate Bill No. 38, previously considered on March 13, 1995, April 3, 1995, at which time the Senate Bill was substituted for the Senate Bill, April 5, 1995, April 19, 1995 and May 15, 1995, and reset to today's Calendar.

Rep. Clabough moved that Senate Bill No. 38 be passed on third and final consideration.

Rep. Clabough moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 38 by deleting the words and figures " two hundred fifty dollars (\$250)" in amendatory subdivision (a) (2) of Section 1 of the printed bill and by substituting the words and figures " one hundred fifty dollars (\$150)" .

On motion, Amendment No. 1 was adopted.

Rep. Clabough moved that **Senate Bill No. 38**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	71
Noes	7
Present and not voting	8

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Williamson), Wood, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Bell, Bowers, Burchett, Kisber, Ritchie, Sharp, Winningham -- 7.

Representatives present and not voting were: Davidson, DeBerry, L., Halteman Harwell, Hargrove, Head, McDonald, West, Williams (Union) -- 8.

A motion to reconsider was tabled.

House Joint Resolution No. 70 -- Memorials, Public Service -- Representative Floyd Crain. by *Jackson.

Rep. Jackson moved that House Joint Resolution No. 70 be placed first on the Calendar for Thursday, May 18, 1995, which motion prevailed.

***House Bill No. 187** -- Metropolitan Government - Permits park rangers employed by metropolitan government to be commissioned as law enforcement officers and to enforce state and local laws throughout jurisdiction of metropolitan government upon successfully completing training requirements of Jerry F. Agee Tennessee Law Enforcement Training Academy. Amends TCA Title 7, Chapter 3. by *Odom(SB961 by *Haynes).

Further consideration of House Bill No. 187, previously considered on today's Calendar.

Rep. Odom moved that House Bill No. 187 be passed on third and final consideration.

Rep. Pruitt moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 187 by adding the following language to the amendatory language of Section 1 as a new subsection (c):

(c) The provisions of this act shall apply in any county having a metropolitan government upon the adoption of a resolution by a two-thirds (2/3) vote of the legislative body of the metropolitan government.

On motion, Amendment No. 1 was adopted.

Rep. Peach moved the previous question, which motion prevailed.

Rep. Odom moved that **House Bill No. 187**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 52
Noes 23
Present and not voting 15
Representatives voting aye were: Bell, Bowers, Bragg, Brown, Buck, Byrd, Chumney, Clabough, Cole (Carter), Cross, Curtiss, DeBerry, J., DeBerry, L., Fitzhugh, Garrett, Givens, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Langster, McAfee, McDonald, McKee, McMillan, Miller, Napier, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Robinson, Stamps, Stulce, Turner (Hamilton), Turner (Shelby), Walley, West, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 52.

Representatives voting no were: Beavers, Bird, Bittle, Burchett, Callicott, Cantrell, Davidson, Dunn, Gunnels, Hassell, Hicks, Joyce, McDaniel, Newton, Ramsey, Rhinehart, Ritchie, Roach, Sharp, Tindell, Westmoreland, Williams (Union), Wood -- 23.

Representatives present and not voting were: Arriola, Boyer, Brooks, Duer, Eckles, Ford, Fowlkes, Hargrove, Kerr, Kisber, Lewis, Patton, Rinks, Shirley, Venable -- 15.

A motion to reconsider was tabled.

House Bill No. 1478 -- Audiologists and Speech Pathologists - Combines board for licensing hearing aid dispensers with board of speech pathology and audiology. Amends TCA Title 63, Chapters 15, 17. by *Kernell, *Kent(*SB1550 by *Koella).

Further consideration of House Bill No. 1478, previously considered on today's Calendar.

Rep. Kernell moved that House Bill No. 1478 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1478 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63 is amended by deleting Chapter 15 in its entirety.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 17, is amended by designating the existing sections as Part 1 and by adding Sections 3 through 24 of this act, inclusive, as new Part 2.

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Apprentice licensee applicant" means any person who is registered with the council and is engaged in an approved licensing program, and who is sponsored by a hearing instrument specialist duly licensed in this state, and the apprentice licensee applicant shall meet the qualifications of Section 7 of this act;

(2) "Apprentice program" means eighty (80) hours of prescribed coursework under the direct supervision of a hearing instrument specialist, with such coursework pertaining to all aspects of hearing instrument dispensing;

(3) "Board" means the board of communication disorders and sciences, created by § 63-17-104;

(4) "Council" means the council for licensing hearing instrument specialists;

(5) "Division" means the division of health related boards in the department of health;

(6) "Hearing instrument" means any instrument or device designed for or represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device;

(7) "Licensed hearing instrument specialist" means any person licensed by this part who has passed a council approved psychometrically-sound examination for hearing instrument specialists;

(8) "Practice of dispensing and fitting hearing instruments" includes the evaluation or measurement of the powers or range of human hearing by means of an audiometer and the consequent selection or adaptation for sale of hearing instruments intended to compensate for hearing loss, including the appropriate instructions, consultations, suggestions, recommendations or opinions related to this

practice, including the making of an impression of the ear, or an ear mold; and

(9) "Sell" or "sale" includes any transfer of title or of the right to use by lease, bailment or any other contract, either oral or written, except wholesale sales to distributors or dispensers.

SECTION 4. (a) There is hereby created a council to be known as the "council for licensing hearing instrument specialists," with the duties and powers as herein provided.

(b) The council shall consist of five (5) members who shall possess the following qualifications:

(1) Three (3) members shall be qualified hearing instrument specialists and fitters of hearing instruments who have been duly licensed as such in Tennessee, and who are certified by the National Council for Certification - Hearing Instrument Sciences. Such members may be appointed by the governor from a list of qualified nominees submitted by the Tennessee Hearing Aid Society;

(2) One (1) member shall be a physician who has been duly licensed to practice medicine in Tennessee, and who has received certification from the American Council of Otolaryngology. Such member may be appointed by the governor from a list of nominees submitted by the Tennessee Medical Association;

(3) One (1) member shall be a person who has been a user of hearing instruments for a period of at least five (5) years preceding his appointment to the council, and who shall never have been engaged in the practice of hearing instrument dispensing and fitting, audiology or medicine. Such member shall be appointed by the governor; and

(4) In order that the terms may be appropriately staggered, initial appointments to the council for licensing hearing instrument specialists are for the following terms: one member appointed pursuant to subdivision (b)(1) shall be appointed to a term of one (1) year and the other members appointed pursuant to subdivision (b)(1) shall be appointed to terms of two (2) years; the member appointed pursuant to subdivision (b)(2) shall be appointed to a term of three (3) years; and the member appointed pursuant to subdivision (b)(3) shall be appointed to a term of four (4) years. Thereafter each member appointed to the council shall be appointed to a term of five (5) years.

No person is eligible to serve successive terms on the council; provided, that those members appointed to a one (1) or two (2) year term, under the provisions of this subsection, are eligible to succeed themselves for one (1) successive five (5) year term. In the event of a vacancy on the council, the governor shall appoint a person

qualified under the appropriate subdivision of this subsection to fill the unexpired vacancy; provided, that such appointment, if not effective within sixty (60) days, shall be filled by the council. The initial appointments to the council shall include the current and immediate past board chairmen of the licensing board of hearing aid dispensers. In making appointments to the council, the governor shall strive to ensure that at least one (1) person serving on the council is sixty (60) years of age or older and that at least one (1) person serving on the council is a member of a racial minority.

(c) Each member of the council shall receive fifty dollars (\$50.00) per diem expenses when actually engaged in the discharge of his official duty, and in addition, shall be reimbursed for attending any meeting of the council within this state, in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration, and approved by the attorney general and reporter.

(d) Such council shall be administratively attached to the board of communications disorders and sciences.

SECTION 5. The powers and duties of the council are to:

- (1) Supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for a license;
- (2) License persons who apply to the council and who are qualified to practice the fitting of hearing instruments;
- (3) Purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for license;
- (4) Issue and renew licenses;
- (5) Deny, suspend or revoke licenses pursuant to this part;
- (6) Appoint representatives to conduct or supervise the examination of applicants for license;
- (7) Designate the time and place for examining applicants for license;
- (8) Make and publish rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of this part. All rules relating to hearing instrument specialists shall be initiated and adopted by a majority of the members of the council of hearing instrument specialists and then shall be approved by a majority of the members of the board.

(9) Require an annual calibration of audiometric equipment;

(10) Provide all examinations required by this part. The National Board for Certification of Hearing Instrument Sciences (NBC-HIS) examination is the accepted examination for licensure. The council may contract with other testing organizations for equivalent examinations;

(11) Establish minimum requirements of test procedure and test equipment to be used in the fitting of hearing instruments, also the retention of records of all fittings;

(12) Inspect the facilities or records, or both, of persons who practice the fitting and selling of hearing instruments, upon a showing of probable cause of a violation of the provisions of this part; and

(13) Require lists, set standards and approve programs for trainees as provided in § Section 7 of this part and this section.

SECTION 6. The council shall meet at least once each year at a place and time determined by the chairman. The council shall also meet at such other times and places as may be appropriate to carry out the purposes of this part.

SECTION 7. (a) No person shall engage in the sale of or practice of dispensing and fitting hearing instruments or display a sign or in any other way advertise or hold himself out as a person who practices the dispensing and fitting of hearing instruments unless direct hands-on testing and follow-up services are provided to persons to whom the hearing instrument specialist has dispensed and/or sold a hearing instrument, and he holds a current, unsuspended, unrevoked license issued by the council as provided in this act.

(b) The license required by this section shall be kept conspicuously posted in his principal office or place of business at all times.

SECTION 8 (a) This part shall not be construed to prevent any person who is a medical or osteopathic physician licensed to practice by the board of medical examiners from treating or fitting hearing instruments to the human ear.

(b) It is lawful for any person, who meets the requirements of Sections 7 and 9 of this part and who is listed as an apprentice licensee applicant with the council, and who is under the direct supervision of a sponsoring licensed hearing instrument specialist, to perform any of the services or acts included in the definition of hearing instrument dispensing and fitting as contained in this part; provided, that such person does so under the

direct supervision of the licensed hearing instrument specialist and with the licensed dispenser making final selection and fitting to the client. No licensed dispenser shall supervise more than two (2) such apprentice licensee applicants or apprentice licensees combined at the same time.

(c) This part shall not be construed to prevent any person who is an audiologist licensed by the board of communication disorders and sciences from practicing audiology as defined in Section 63-17-103(5)(A), nor to prevent any person who is a speech-language pathologist licensed by the board of communication disorders and sciences from practicing speech-language pathology as defined in Section 63-17-103(7).

SECTION 9. (a) An applicant for a license shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have an education equivalent to two (2) years of accredited college-level coursework; and
- (3) Be free of contagious or infectious disease.

(b) Such applicant shall pay a nonrefundable application fee as set by the council no later than forty-five (45) days in advance of the next scheduled examination.

SECTION 10. (a) Applicants must pass a state written and practical proficiency test for the apprentice license.

(b) The apprentice licensee shall function under the direct supervision of the sponsoring licensed hearing instrument specialist for a period of at least three (3) months after passage of the council proficiency test, and during such three (3) month period, the sponsoring licensed dispenser must make the final selection and fitting of the hearing instrument.

(c) During the apprentice period the apprentice licensee shall complete eighty (80) hours of prescribed coursework.

(d) The apprentice license will remain in effect no longer than one (1) year and cannot be renewed.

(e) Applicants for an apprentice license shall pay the council a nonrefundable examination fee as set by the council.

SECTION 11. (a) Upon the payment of an examination fee as set by the council, an applicant for a license who is notified by the council that he has fulfilled the requirements of Section 9 of this part shall appear at a time, place and before such persons as the council may designate, to be examined by written and practical tests in order to demonstrate that he is qualified to practice the fitting of hearing instruments.

(b) If such applicant can satisfy the council that he has successfully passed a written examination, whose contents are acceptable to the council, within ninety (90) days of his application for examination, the council may at its discretion waive such written examination.

(c) The council shall give at least one (1) examination of the type prescribed in this section each year, and such additional examinations as the volume of applications may make appropriate.

SECTION 12. (a) The examination provided in Section 11 shall consist of:

(1) Tests of knowledge in the following areas as they pertain to the fitting of hearing instruments:

(A) Basic physics of sound;

(B) The human hearing mechanism, including the science of hearing and the causes and abnormal hearing and rehabilitation of hearing disorders; and

(C) Structure and function of hearing instruments;

(2) Tests of proficiency in the following techniques as they pertain to the fitting of hearing instruments:

(A) Pure tone audiometry, including air conduction testing and bone conduction testing;

(B) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

(C) Effective masking;

(D) Recording and evaluation of audiograms and speech instrument candidacy; audiometry to determine hearing

(E) Selection and adaption of hearing instruments and testing of hearing instruments;

(F) Taking earmold impressions; and

(G) Other skills as may be required for the fitting of hearing instruments; and

(3) Tests of knowledge of the provisions and requirements of this part.

(b) The tests under this section shall not include questions requiring a medical or surgical education.

SECTION 13. (a) (1) Upon payment of an initial license fee as determined by the council, the council shall issue a license to each applicant who passes the examination. Such initial license shall be effective until July 31 of the next odd-numbered year.

(2) During the second year of a biennial renewal period, the initial license fee shall be one half (1/2) of the biennial renewal fee.

(b) The council may, in its discretion, license as a hearing instrument specialist, without examination, on the payment of a fee as set by the council, an applicant who is a hearing instrument specialist, certified, registered or licensed under the laws of another state or country, if the applicant's qualifications for certification, registration or licensure meet the licensure requirements in force in this state upon the date of his application for certification, registration or licensure in this state.

SECTION 14. Each licensee shall notify the council of any change of address of his place of business, within thirty (30) days of such change. Failure to give such notice shall be deemed just cause for disciplinary action by the council.

SECTION 15. The council shall issue, under the board's name, all licenses approved by the council and the board and shall maintain a registry of all license holders. It is the duty of the council to review and approve the qualifications of applicants for certification or renewal as hearing instrument specialists.

SECTION 16. (a) (1) Each licensed hearing instrument specialist shall pay to the council a biennial renewal fee as set by the council, payable in advance, for the ensuing two (2) years.

(2) The council shall notify each licensee that such renewal is due.

(b) As a condition of renewal, the licensee shall be reexamined by the council and shall pay a reexamination fee as set by the council or shall submit proof of completion of an approved continuing education program.

The reexamination shall consist of all of the areas required pursuant to Section 12 of this act.

(c) When any licensed hearing instrument specialist fails to pay the license fee within sixty (60) days after it becomes due, as provided in this section, the license of such person is automatically revoked at the expiration of the sixty (60) days after the renewal fee was required, without further notice or hearing.

(d) Any person whose license is automatically revoked as provided herein may make application in writing to the council for the reinstatement of such license and, upon good cause being shown, the council in its discretion may reinstate such license upon payment of all past-due renewal fees and upon further payment of a sum set by the council.

(e) Any person licensed to practice by the provisions of this part, who has retired or may hereafter retire from such practice in this state, shall not be made to register as required by this part if such person files with this council, an affidavit on a form to be furnished by the council, which affidavit states the date on which such person retired from such practice and such other facts as tend to verify such retirement as the council deems necessary. If such person thereafter reengages in such practice in this state, such person shall apply for registration with the council as provided by this part, and shall meet other requirements as may be set by the council.

(f) (1) Notwithstanding any provision of this part to the contrary, the division, with the approval of the commissioner, shall establish a system of license renewals at alternative intervals which will allow for the distribution of the license workload as uniformly as is practicable throughout the calendar year. Licenses issued under the alternative method are valid for twenty-four (24) months, and expire on the last day of the last month of the license period. However, during a transition period, or at any time thereafter when the council determines that the volume of work for any given interval is unduly burdensome or costly, either the licenses or renewals, or both of them, may be issued for terms of not less than six (6) months nor more than eighteen (18) months. The fee imposed for any license under the alternative interval method for a period of other than twenty-four (24) months shall be proportionate to the annual fee and modified in no other manner, except that the proportional fee shall be rounded off to the nearest quarter of a dollar (25).

(2) No renewal application will be accepted after the last day of the month following the license expiration date under the alternative method authorized in this subsection.

SECTION 17. The fees relating to the practice of dispensing hearing instruments shall be set by the board in an amount sufficient to pay all of the expenses of the council as well as all of the expenses of the board that are directly attributable to the performance of its duties pursuant to the provisions of this act. Expenditures of the council for investigations and disciplinary actions shall be the financial responsibility of the licensees who are regulated by such council.

SECTION 18. (a) Any person who engages in the practice of dispensing and fitting hearing instruments shall deliver to each person supplied with a

hearing instrument, by him or at his order or direction, a bill of sale which contains each of the following:

(1) The signature of the licensed hearing instrument specialist, the address of his regular place of business, and his license number and license expiration date;

(2) The make and model of the hearing instrument supplied and the amount charged therefor, and whether the hearing instrument is new, used or rebuilt;

(3) A clear statement of the terms of sale, including the provisions required by Section 17 of this act; and

(4) The name and address of the council and a statement that the council will receive complaints on any matter relating to the fitting and dispensing of hearing instruments.

(b) Any sale of a hearing instrument is subject to the same conditions and provisions as are prescribed by the United States food and drug administration and the federal trade commission.

SECTION 19. (a) Within thirty (30) days of the date of delivery, any purchaser of a hearing instrument from a licensee is entitled to return the hearing instrument for any reason; provided, that such instrument is returned in satisfactory condition, and such purchaser shall pay only reasonable charges for the hearing instrument and related services. Such return privileges apply only to a first-time purchaser of a hearing instrument.

(b) Charges to be imposed upon return of a hearing instrument as provided in subsection (a) shall be clearly stated in the bill of sale.

(c) This section shall not be construed to supersede any duly promulgated regulation issued by the federal trade commission.

SECTION 20. Any person sponsoring an apprentice licensee and/or apprentice licensee applicant under the provisions of this part shall be held responsible for the acts or omissions of his apprentice licensee and/or apprentice licensee applicant within the course and scope of his employment, during the apprenticeship, as well as his employees.

SECTION 21. Subject to the due process requirements of the Uniform Administrative Procedures Act, compiled in title 4, part 5, any person registered under this part may have his license denied, revoked or suspended for a fixed period to be determined by the council for any of the following causes:

(1) Conviction of an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of the court where such conviction occurred or by the judge of such court, is sufficient evidence to warrant revocation or suspension;

(2) Securing a license under this part through fraud or deceit;

(3) Unethical conduct, gross and/or repeated acts or inefficiency in the conduct of his practice;

(4) Knowingly practicing while suffering with a contagious or infectious disease;

(5) Use of a false name or alias in the practice of his profession; and

(6) Violating any of the provisions of this part.

SECTION 22. (a) Except as otherwise provided by Section 16 of this act, no license issued pursuant to this part may be suspended, revoked, denied or renewal denied without a hearing before the council or its duly authorized trial examiner, if requested by the certificate holder or applicant, on due notice.

(b) Any action of the council taken pursuant to this part shall be in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, part 5.

SECTION 23. (a) A violation of this part is a Class B misdemeanor.

(b) The council, with the approval of the board, may seek to enforce any provision of this part by petitioning a court of appropriate jurisdiction for an injunction to enjoin continuing violations of this part or by any other appropriate proceeding. No such proceeding is barred by any proceeding had or pending pursuant to Section 16 of this act, or by the imposition of any fine or term of imprisonment pursuant thereto.

SECTION 24. Upon the effective date of this act, any person who is a trainee, apprentice, or who has entered into a training program to become a licensed hearing aid dispenser, shall be eligible to receive a license as a hearing instrument specialist provided such person complies with all of the requirements of title 63, chapter 15, as it exists upon the effective date of this act.

SECTION 25. Tennessee Code Annotated, Section 63-17-101, is amended by deleting such section in its entirety and by substituting instead the following:

This chapter shall be known and may be cited as
the "Licensure Act for Communication Disorders
and Sciences".

SECTION 26. Tennessee Code Annotated, Section 63-17-
103 is amended by deleting subdivision (3) in its
entirety and by substituting instead the following:

(3) "Board" means the board of communications
disorders and sciences;

SECTION 27. Tennessee Code Annotated, Section 63-17-
103(5)(B), is amended by deleting the language
"chapter 15 of this title" and by substituting
instead the language "part 2 of this chapter".

SECTION 28. Tennessee Code Annotated, Section 63-17-
103(5)(B), is further amended by deleting the language
"hearing aid dispenser" and by substituting instead the
language "hearing instrument dispenser"; and by
deleting the language "hearing aids" and by substituting
instead the language "hearing instruments".

SECTION 29. Tennessee Code Annotated, Section 63-17-
104, is amended by deleting the language "board of
examiners of speech language pathology and audiology"
and by substituting instead the language "board of
communications disorders and sciences".

SECTION 30. Tennessee Code Annotated, Section 63-17-
125, is amended by deleting the language "hearing aid"
wherever it may be found and by substituting instead the
language "hearing instrument".

SECTION 31. Tennessee Code Annotated, Section 63-17-
114(5)(A), is amended by deleting the period at the
end of such subdivision and by substituting instead the
following:

, and does not sell hearing instruments.

SECTION 32. Tennessee Code Annotated, Section 63-17-
103(1), is amended by deleting subdivision (B) in its
entirety and by substituting instead the following:

(B) Nothing in this chapter shall prevent or
prohibit any hearing instrument specialist
from employing and using such terms as "hearing aid
center," "hearing aid clinic," "hearing instrument center,"
or "hearing instrument clinic," or any similar titles or
description of services so long as the word "aid"
or "instrument" is incorporated in any such title
or description of service, and insofar as such terms do
not connote qualifications or education for which the hearing
instrument specialist does not have valid
credentials, or do not imply rehabilitative or
professional services which the hearing instrument
specialist is not qualified to offer;

63-17-103 SECTION 33. Tennessee Code Annotated, Section
its entirety. is further amended by deleting subdivision (2) in

17-102, SECTION 34. Tennessee Code Annotated, Section 63-
audiologists" and by is amended by deleting the language " and
language " and audiologists, and hearing substituting instead the
specialists," . instrument

29- SECTION 35. Tennessee Code Annotated, Section 4-
entirety and by 218(a), is amended by deleting item (3) in its
following: substituting instead the

specialists; created by () Council for hearing instrument
Section 4 of this act;

29- SECTION 36. Tennessee Code Annotated, Section 4-
entirety and by 220(a), is amended by deleting item (24) in its
following: substituting instead the

sciences; () Board of communication disorders and

63-17- SECTION 37. Tennessee Code Annotated, Section
" audiology services" and 102, is amended by deleting the language
language and punctuation " , audiology and by substituting instead the
instrument dispensing services" . hearing

1995, the SECTION 38. This act shall take effect July 1,
public welfare requiring it.

On motion, Rep. Kernell moved that Amendment No. 1 to Amendment
No. 1 be withdrawn.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Kernell moved that Amendment No. 2 be withdrawn.

Rep. Kernell moved that House Bill No. 1478 be reset to the
Calendar for Thursday, May 18, 1995, which motion prevailed.

***House Bill No. 695 -- Telecommunications -** Revises regulation of
telecommunications service provider by public service commission;
requires competition among providers to be made fair by requiring all
regulation be applied impartially and without discrimination. Amends
TCA Title 65, Chapter 4, Parts 1, 2; Title 65, Chapter 5, Part 2. by
*Bragg, *Jackson, *Robinson, *Napier, *Bell, *Wood, *Davidson,
*Pinion, *McAfee, *Ford S(SB891 by *Rochelle, *Henry, *Atchley, *Rice,
*Hamilton).

Further consideration of House Bill No. 695, previously
considered on April 17, 1995 and April 26, 1995, and reset to today's
Calendar.

On motion, House Bill No. 695 was made to conform with **Senate Bill No. 891**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 695 be passed on third and final consideration.

On motion, Rep. Rhinehart deleted Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart deleted Commerce Committee Amendment No. 2.

Rep. Jones R(Shelby) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 10 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 11 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 12 be withdrawn, which motion prevailed.

Rep. Jones R(Shelby) moved that Amendment No. 13 be withdrawn, which motion prevailed.

Rep. Byrd moved that Amendment No. 14 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 15 be withdrawn, which motion prevailed.

Rep. Dunn moved that Amendment No. 16 be moved down one place after Amendment No. 17, which motion prevailed.

Rep. Purcell moved that Senate Bill No. 891 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

BILL RECALL REQUESTED

Rep. Jackson moved that House Joint Resolution No. 70 be recalled from the Calendar for Thursday, May 18, 1995, which motion prevailed.

RECOGNITION

Rep. Jackson was recognized in the Well to introduce former Rep. Floyd Crain. The Clerk read House Joint Resolution No. 70.

House Joint Resolution No. 70 -- Memorials, Public Service -- Representative Floyd Crain. by *Jackson.

Rep. Jackson moved that **House Joint Resolution No. 70** be adopted and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

RECOGNITION

Rep. Winningham was recognized in the Well to introduced the 1994-1995 Pickett County High School Boy's Basketball Team, TSSAA State Class A Tournament Champion. The Clerk read Senate Joint Resolution No. 163.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 90** -- Lobbying, Lobbyists -- Enacts "Lobbying Reform Act of 1995." Amends TCA Title 3, Chapter 6. by *Kisber, *Byrd, *Rinks, *Hargrove, *Naifeh, *DeBerry L, *Ridgeway, *Cole (Dyer), *Lewis, *Pinion, *West, *Turner (Ham), *Bell, *McDonald, *White, *Fitzhugh, *Purcell, *Brown, *Herron, *McMillan, *Chumney, *Haley, *Ford S, *Cantrell, *Bittle, *Stamps, *Halteman Harwell, *Williams (Unio), *McDaniel, *Ramsey, *Whitson, *Beavers, *Burchett, *Jones, S., *Tindell, *Bragg, *Cross, *Winningham, *Cole (Carter), *Kent, *Fowlkes, *Eckles, *Curtiss, *Odom, *Callicott, *Stulce, *Duer, *McAfee, *Boyer, *Wood, *Jackson, *Armstrong, *Brooks, *Walley,

*Ritchie, *Patton (SB80 by *Cooper, *Cohen, *Springer, *O'Brien, *Kyle, *Haynes).

Senate Amendment No. 6

AMEND House Bill No. 90 by deleting Section 12 in its entirety and renumbering the subsequent sections accordingly.

Senate Amendment No. 9

AMEND House Bill No. 90 by deleting the phrase " a committee of either or both houses of the general assembly or a delegation in the general assembly from two (2) or more senatorial districts" in new Section () (a) (9) in Section 3 and substituting in lieu thereof the words " a standing or statutory committee of either or both houses of the general assembly, or a delegation in the general assembly consisting of all members whose legislative districts are within or a part of one (1) or more counties" .

Senate Amendment No. 1 to Senate Amendment No. 9

AMEND House Bill No. 90 by deleting " or a delegation in the General Assembly consisting of all members whose legislative districts are within or a part of one (1) or more counties" and substituting in lieu thereof " or one or more county delegations in the General Assembly" .

Senate Amendment No. 10

AMEND House Bill No. 90 by deleting the effective date section and by substituting instead the following:

SECTION ____ . This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Kisber moved that the House non-concur in Senate Amendment(s) No(s). 6, 9, as amended and 10 to **House Bill No. 90**, which motion prevailed.

Senate Amendment No. 1

AMEND House Bill No. 90 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be referred to as the "Lobbying Reform Act of 1995."

SECTION 2. Tennessee Code Annotated, Section 3-6-102(8), is amended by deleting from the first sentence of the subsection the phrase "any of which are valued at fifty dollars (\$50.00) or more," and by deleting the last sentence of the subsection.

SECTION 3. Tennessee Code Annotated, Title 3, Chapter 6, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section ____.

(a) (1) No lobbyist or employer of a lobbyist may provide a gift, directly or indirectly,

to a candidate for public office, official
in the legislative branch, official in the executive
branch, or immediate family of such candidate or official.

(2) A candidate for public office, an
official in the legislative branch, or an
official in the executive branch may not
solicit or accept directly or indirectly a gift from a lobbyist
or an employer of a lobbyist.

(b) The following are not subject to the
prohibition in subsection (a):

(1) Benefits resulting from business,
employment, or other outside
activities of a candidate, official or
their immediate family, if such benefits are
customarily provided to others in similar circumstances
and are not enhanced due to the status of the
candidate or official;

(2) Informational materials in the
form of books, articles, periodicals,
other written materials, audiotapes,
videotapes, or other forms of communication;

(3) A gift given by an individual if
the gift is given for a nonbusiness
purpose and is motivated by a close
personal friendship and not by the position of the
candidate or official.

(A) A gift shall not be considered to be
given for a nonbusiness purpose if the
individual giving the gift seeks:

(i) to deduct the value of such gift
as a business expense on the individual's
federal income tax return; or

(ii) direct or indirect reimbursement
or any other compensation for the value
of the gift from a client or employer.

(B) In determining if the giving of a gift
is motivated by a close personal friendship, at
least the following factors shall be
considered:

(i) The history of the relationship
between the individual giving the gift
and the recipient of the gift, including
whether or not gifts have previously been
exchanged by such individuals;

(ii) Whether the gift was purchased by
the individual who gave the item; and

(iii) Whether the individual who gave the gift also gave the same or similar gifts to other candidates, officials, or their immediate family at the same time;

(4) Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business;

(5) Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items, provided that any such item shall not be in a form which can be readily converted to cash;

(6) Opportunities and benefits made available to all members of an appropriate class of the general public, including but not limited to:

(A) Discounts afforded to the general public or specified groups or occupations under normal business conditions except that such discounts may not be based on the status of the candidate or official;

(B) Prizes and awards given in public contests; and

(C) Benefits of participation in events held within the state and sponsored by, or for the benefit of, charitable organizations as defined in Section 48-3-501(1); provided that such events must be open to participation by persons other than candidates, officials or their immediate family and any benefits received must not be enhanced due to the status of the candidate or official, or provided that invitations are extended to the entire membership of the general assembly;

(7) Tickets to athletic events involving teams representing in-state schools, colleges and universities or to other events sponsored by such institutions, if offered by the involved institution, and benefits of attendance at political events or fund-raisers sponsored by candidates for public office or other political organizations, and/or tickets to charitable, cultural, educational or political events held within the state, when customarily provided as a courtesy to all candidates for an office or

public officials of similar rank in the event's jurisdiction;

(8) Expenses for out of state travel, if such travel is paid for, reimbursed, or sponsored by a government or an association of elected government officials or any other group or association which is an umbrella organization for public officials.

(9) Food, refreshments, meals, foodstuffs or beverages that are provided in connection with an event to which invitations are extended to the entire membership of the general assembly, a committee of either or both houses of the general assembly, or a delegation in the general assembly from two (2) or more senatorial districts.

(c) Nothing herein shall prohibit a city, county or chamber of commerce from hosting and/or funding an activity where the entire general assembly is invited as a group to a special activity within that governmental entity's jurisdiction. County and municipal groups, and state colleges and universities are exempted from the prohibitions in the section when access to facilities or events which they sponsor is permitted to all members of the general assembly, a standing or statutory committee of either or both houses of the general assembly, or all members whose districts are located within the county of such group, college or university.

(d) A gift made contrary to this section shall not be a violation of the section if the candidate, official or their immediate family member does not use the gift and returns it to the donor within the latter of ten (10) days of receipt or ten (10) days of having knowledge that the gift was a violation or pays consideration of equal or greater value within the latter of ten (10) days of receipt or ten (10) days of having knowledge that the gift was a violation.

SECTION 4. Tennessee Code Annotated, Section 3-6-102(15)(A), is amended by deleting the phrase "who takes any administrative action" and by adding after the word "means" the words "the governor, any member of the governor's staff," and by deleting the words "state agency" and substituting in their place the words "executive department or agency".

SECTION 5. Tennessee Code Annotated, Section 3-6-106(b)(2), is amended by deleting the subsection in its entirety and substituting the following:

(2) An itemized list by date, beneficiary, amount, and circumstance of the transaction of each political contribution of more than one

hundred dollars (\$100) made by the registrant or anyone acting at the specific direction of the registrant to benefit a candidate for public office, an official in the legislative branch, or an official in the executive branch.

SECTION 6. Tennessee Code Annotated, Section 3-6-106(b)(3),(4),(5) and (6), is amended by deleting those subsections in their entirety.

SECTION 7. Tennessee Code Annotated, Section 3-6-108, is amended by adding the following new subdivision to be appropriately designated:

() No lobbyist shall serve as a member of a state board or commission.

SECTION 8. Tennessee Code Annotated, Section 3-6-110(b)(2), is amended by adding at the end of the first sentence of that subsection the following:

except that the registry for a violation of Section 3 may only assess a civil penalty up to two hundred percent (200%) of the value of any gift or twenty-five dollars (\$25) whichever is greater. For any second or subsequent violation of Section 3 by the same person, the registry shall be empowered in the alternative to impose any other penalty contained in subsections (b)(2) and (b)(3).

SECTION 9. Tennessee Code Annotated, Section 3-6-110(c), is amended by adding at the end of the first sentence the words "or to have violated the provisions of Section 3 two (2) or more times".

SECTION 10. Tennessee Code Annotated, Section 3-6-102, is amended by adding the following as an appropriately designated subsection:

() "Employer of a lobbyist" means any person or entity that employs or retains another person to lobby. In the event that a corporation, labor organization, or membership organization employs or retains a person to lobby, employees, officers, directors, or members of such entity shall not be deemed to be an employer of such lobbyist.

SECTION 11. Tennessee Code Annotated, Section 3-6-102(16), is amended by substituting a period "." for the semicolon ";" at the end of the subsection and by adding the following new sentence after the period:

"Official in the legislative branch" shall also include the secretary of state, treasurer, and comptroller of the treasury and any employee of such offices;

SECTION 12. Tennessee Code Annotated, Title 3, Chapter 6, is amended by adding the following as a new section to be appropriately designated:

Section ____.

(a) Any prizes, benefits or awards acquired by an official in the legislative branch as the result of purchasing transportation or lodging using state funds shall accrue to the benefit of the office of legislative administration to be used for travel on state business.

(b) Any prizes, benefits or awards acquired by an official in the executive branch as the result of purchasing transportation or lodging using state funds shall accrue to the benefit of the department of finance and administration to be used for travel on state business.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 14. This act shall take effect on July 1, 1995, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND House Bill No. 90 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Section , 3-6-112(c), is amended by restating the subsection as follows:

In addition to any other restrictions contained in this chapter, any employee, owner, major stockholder or officer of a company regulated by the public service commission shall be prohibited from making expenditures other than political contributions in excess of a cumulative total of twenty-five dollars (\$25.00) during a single week or in excess of a total of three hundred dollars (\$300.00) in a six-month period to benefit any member of the public service commission. For the purpose of this subsection, expenditures by employees, owners, major stockholders or officers of the same company shall be aggregated for the purpose of determining whether the maximum expenditure for the relevant period has been reached.

Senate Amendment No. 4

AMEND House Bill No. 90 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Section 3-6-102(15), is amended by deleting said subsection in its entirety and substituting in lieu thereof the following:

"Official in the executive branch" means any member or employee of a state regulatory commission, including without limitation the public service commission, or of any state agency or other state body in the executive branch who takes any administrative action.

Senate Amendment No. 5

AMEND House Bill No. 90 by inserting the phrase "or immediate family of such candidate or official" after the words "in the executive branch" in new Section () (a) (2) in Section 1.

Senate Amendment No. 1 to Senate Amendment No. 5

AMEND House Bill No. 90 by changing "Section 1" to "Section 3"

Senate Amendment No. 13

AMEND House Bill No. 90 by deleting from Section 3 subsections (b) and (c) and renumbering the remaining subsections accordingly.

Senate Amendment No. 16

AMEND House Bill No. 90 Add new section:

The Registry of Election Finance shall publish quarterly a listing of all lobbyist and employees of lobbyist in Tennessee.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1, 4, 5, 13 and 16 to **House Bill No. 90**, which motion prevailed by the following vote:

Ayes 93
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips,

Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Jones, U. (Shelby) -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 157 -- Hospitals and Health Care Facilities -- Permits commission to review certificates of need every five years and to hold hearing for holder to demonstrate continued need. Amends TCA Titles 33; 47; 48; 68. by *Rhinehart (*SB98 by *Koella).

Senate Amendment No. 5

AMEND House Bill No. 157 by adding a new, appropriately numbered subsection, to read as follows:

Section _____. Tennessee Code Annotated, Section 68-11-106, is amended by deleting item (a) (6) (B) (ii) in its entirety and substituting instead the following:

(ii) The purchaser has made a down payment of at least Ten Thousand (\$10,000) Dollars toward purchase or lease of the equipment.

and by adding a new subparagraph (a) (6) (C) as follows:

(C) Nothing in this chapter shall require a certificate of need to use equipment for which a down payment of at least ten thousand dollars (\$10,000) was made prior to the effective date of 1993 Public Chapter 119.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 5 to **House Bill No. 157**, which motion prevailed by the following vote:

Ayes 94
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Herron -- 1.

A motion to reconsider was tabled.

SPECIAL ORDER

Rep. Rhinehart moved that House Bill No. 1179 be heard out of order, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1179 -- Insurance Companies, Agents, Brokers -- Requires each insurer doing business in more than one state and others as required by commissioner to file with NAIC annual and quarterly financial statement information in computer readable format. Amends TCA Title 56, Chapters 1, 2, 10, 44. by *Rhinehart (*SB1015 by *Atchley).

Senate Amendment No. 3

AMEND House Bill No. 1179 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 56-1-418, is amended by deleting all language following the words "to compute such reserves" and by inserting a period " (.)" after the word " reserves" and by further amending language of such section by inserting a comma " (,)" and the word " interest" after the word " morbidity" .

Tennessee Code Annotated, Section 56-1-418, is further amended by adding the following sentence:

From the effective date of this act until the date of promulgation of rules and regulations, all such calculations as respects the foregoing shall be made at a rate of interest not exceeding four and one-half percent (4 1/2 %) per annum.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1179**, which motion prevailed by the following vote:

Ayes 91
Noes 0
Present and not voting 3

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller,

Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Armstrong, Brooks, DeBerry, L. -- 3.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

***House Bill No. 172** -- Courts, Probate -- Allows chancery courts and courts with probate jurisdiction to appoint co-trustees as well as trustees Amends TCA 35-1-101. by *Fowlkes (SB252 by *Jordan).

Senate Amendment No. 1

AMEND House Bill No. 172 by designating the existing amendatory language of Section 1 as subsection (a) and inserting the following language as a new subsection:

(b) The court shall make an affirmative finding that the appointment of a co-trustee will not frustrate or impede the intention of the grantor of the trust in establishing the trust, or significantly increase the cost of administering the trust.

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 172**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 330 -- Juvenile Offenders -- Provides that juvenile offenders, who are tried as adults and who are detained or confined in adult facility separately from adult detainees and inmates, shall otherwise abide by same regulations and policies, governing educational opportunities and conditions of imprisonment, which apply to adult detainees and inmates guilty of similar offenses Amends TCA Title 37, Chapter 1. by *Venable, *Ramsey (SB436 *Holcomb).

Senate Amendment No. 2

AMEND House Bill No. 330 by deleting from the amendatory language of Sections 1, 2 and 3 the language "educational opportunities and".

AND FURTHER AMEND by adding the following language at the end of the amendatory language of Sections 1, 2, and 3:

Similar regulations and policies governing educational opportunities for adults shall be implemented for a child so detained, but such regulations and policies shall in no way affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act (20 USC §1471 et seq.).

Senate Amendment No. 3

AMEND House Bill No. 330 by deleting from Section 1 as amended the following language:

"SECTION 1. Tennessee Code Annotated, Section 37-1-134(h), is amended by deleting the second sentence and by substituting instead the following:"

and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 37-1-134(h) is amended by adding the following sentence to the end of the subsection:

Rep. Venable moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 330**, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West,

Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 651 -- Jails, Local Lock-ups Enacts "Inmate Reimbursement to the County Act of 1995." Amends TCA Title 41. by *Callicott, *Westmoreland, *Fowlkes, *McDaniel, *Williams (Williamson), *Davidson, *Coffey, *Rigsby, *Tindell, *Kent, *Kisber, *Herron, *McDonald, *Haley, *Ford S, *Curtiss, *Williams (Union), *Joyce, *Boyer, *Bittle, *Ridgeway, *Hargrove, *White, *Fitzhugh(*SB842 by *Jordan, *Holcomb, *McNally, *Miller J, *Kyle, *Haynes and *Rochelle).

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 651

Rep. Callicott moved that the House refused to recede from its action in non-concurring in Senate Amendment No. 5 to House Bill No. 651.

Pursuant to **Rule No. 73**, Representative Callicott moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 651, which motion prevailed.

The Speaker appointed Representatives Callicott, Fowlkes and Williams(Williamson) as the House members of the Conference Committee on House Bill No. 651.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 655** -- Advertising -- Lowers permissible maximum sign size on scenic highways from 100 to 90 square feet. Amends TCA Title 54, Chapter 17. by *Bragg, *Buck, *Pinion, *Ridgeway, *Cross (SB1346 by *Burks and *Womack).

Rep. Bragg requested that House Bill No. 655 be reset to the Message Calendar for Monday, May 22, 1995, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1487 -- Attorney General and Reporter -- Permits attorney general to appoint outside counsel to represent state employees who are sued in course of employment; permits compensation of outside counsel when state employee is charged criminally in course of employment. Amends TCA Title 8, Chapter 42. by *McMillan (*SB1547 by *Rochelle).

Senate Amendment No. 1

AMEND House Bill No. 1487 by deleting SECTION 9 in its entirety and by substituting instead the following:

SECTION 9. Tennessee Code Annotated, Section 8-42-101, is amended by deleting subsection (3)(A) in its entirety and by substituting instead the following:

(3)(A) "State employee" means any person who is a state official, including members of the general assembly and legislative officials elected by the general assembly, or any person who is employed in the service of and whose compensation is payable by the state, or any person who is employed by the state whose compensation is paid in whole or in part from federal funds, but does not include any person employed on a contractual or percentage basis; except, however, "state employee" includes a foster parent under a contract with the state of Tennessee to provide foster home care for children in the care and custody of the state and within the confines of the foster parent-child relationship; notwithstanding any statute to the contrary, for the purposes of provision of legal representation "state employee" also includes employees of community health agencies, and for purposes of §§ 9-8-112 and 9-8-307(a)(1)(k), "state employee" also includes employees of community health agencies;

SECTION 10. Tennessee Code Annotated, Section 8-42-101, is further amended by deleting subsection (3)(B) in its entirety and by substituting instead the following:

3(B) "State employee" also includes any person designated by a department or agency head as a participant in a volunteer program authorized by the department or agency head. "State employee" also includes community health agency volunteers designated by the commissioner of the department of health; provided, that designated volunteers who are medical professionals providing direct health care pursuant to title 68, chapter 2, part 1100 shall be considered state employees solely for the category of "professional malpractice" pursuant to § 9-8-307. Volunteers shall not be eligible for workers' compensation benefits from the state of Tennessee. It is the duty of each agency and department to register with the board of claims the names of all persons participating in a volunteer program authorized by such department or agency head. If an agency or department head fails to register the name of a volunteer with the board of claims, any amounts paid by the state pursuant to this chapter or title 9, chapter 8 as a result of the volunteer's actions shall be funded through the agency's or department's budget. The commissioner of finance and administration is authorized to promulgate rules and regulations to determine who is qualified to be designated as a volunteer. Such rules and regulations may set forth the criteria for qualification of participants in volunteer programs. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

SECTION 11. Sections 9 and 10 of this act shall take effect upon becoming a law, the public welfare requiring. The remaining sections of this act shall take effect on July 1, 1995, the public welfare requiring it.

Rep. McMillan moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1487**, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Peach -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1510 -- Economic and Community Development -- Requires state and local approval of property tax incentives for economic development and other public purposes. Amends TCA Title 4, Chapter 17 and Section 67-5-203. by *Kisber (*SB1545 by *Rochelle).

Senate Amendment No. 2

AMEND House Bill No. 1510 by deleting from the first sentence of the amendatory language of Section 1 the words " actual rent" and substituting instead the words " actual and imputed rent" .

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1510**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel,

McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1615 -- Tort Liability -- Removes civil liability from entity which without participating in management of hazardous waste site or underground storage site holds indicia of ownership which protect security interest in site. Amends TCA Title 68. by *Napier, *Odom, *McAfee, *Garrett, *Cross (*SB1510 by *Gilbert, *Kyle and *Burks).

Senate Amendment No. 2

AMEND House Bill No. 1615 by deleting from the amendatory language of Section 6 in item (d)(1) the phrase "caused exclusively by acts or admissions" between the phrases "that is" and "of the holder" in the first sentence and replacing it with the following phrase:

"attributable to acts or omissions".

Rep. Napier moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1615**, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisher, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1649 -- Uniform Commercial Code -- Revises Uniform Commercial Code relative to commercial paper, bank deposits and collections. Amends TCA Title 47, Chapters 1, 3 and 4. by *West, *Fitzhugh, *Hargrove, *Byrd (*SB1601 by *Rochelle).

WEDNESDAY, MAY 17, 1995 -- FORTY-FIRST LEGISLATIVE DAY

Rep. West moved that House Bill No. 1649 be reset to the Message Calendar for Monday, May 22, 1995, which motion prevailed.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 219; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 133; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1007; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 644; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 840; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1427; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1002; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 18, 1995:

House Joint Resolution No 133: by Rep. Phillips.

House Joint Resolution No. 219: by Rep. Ramsey.

House Bill No. 644: by Rep. McMillan and Head.

House Bill No. 840: by Rep. Kisber.

House Bill No. 1002: by Rep. Stulce.

House Bill No. 1007: by Rep. Ridgeway.

House Bill No. 1427: by Rep. Bowers.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 22, 1995:

House Bill No. 778: by Rep. West.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1938, was/were referred to the Delayed Bills Committee.

House Bill No. 1938 -- Public Service Commission -- Deletes all references to public service commission; replaces such references with department of safety. Amends TCA Titles 65, 2, 3, 4, 6, 7, 8, 9, 12, 13, 35, 39, 42, 47, 49, 54, 55, 58, 64, 67 and 68. by *Purcell, *Bragg, *Bittle, *Naifeh.

REPORT OF DELAYED BILLS COMMITTEE

May 17, 1995

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1938.

Jimmy Naifeh, Speaker
Bill Purcell

H. E. Bittle

RULES SUSPENDED

Rep. Purcell moved to suspend the rules for the immediate introduction of House Bill No. 1938, which motion prevailed.

House Bill No. 1938 -- Public Service Commission -- Deletes all references to public service commission; replaces such references with department of safety. Amends TCA Titles 65, 2, 3, 4, 6, 7, 8, 9, 12, 13, 35, 39, 42, 47, 49, 54, 55, 58, 64, 67 and 68. by *Purcell, *Bragg, *Bittle, *Naifeh.

Rep. Purcell moved that House Bill No. 1938 pass first consideration, which motion prevailed.

ANNOUNCEMENTS

REPORTS FILED

The Chief Clerk announced that the report from the Tennessee Advisory Commission on Intergovernmental Relations dated February 1995, and addressing annexation issues in Tennessee was on file in the Clerk's office.

The Chief Clerk announced that the report from the Tennessee Advisory Commission on Intergovernmental Relations dated January 1995, and addressing funding, creation and management on E-911 districts was on file in the Clerk's office.

The Chief Clerk announced that pursuant to House Joint Resolution No. 191, the report of the Tennessee Advisory Commission on Intergovernmental Relations on accountability for funding education in Tennessee was on file in the Clerk's office.

The Chief Clerk announced that the report and recommendation of the Special Joint Committee to study the Public Service Commission was on file in the Clerk's office.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 72: Rep(s). Stamps and Newton as prime sponsor(s).

House Bill No. 267: Rep(s). Kisber as prime sponsor(s).

House Bill No. 406: Rep(s). Ramsey as prime sponsor(s).

House Bill No. 695: Rep(s). Purcell as prime sponsor(s).

House Bill No. 795: Rep(s). Buck as prime sponsor(s).

House Bill No. 884: Rep(s). Turner(Hamilton) as prime sponsor(s).

House Bill No. 1729: Rep(s). Herron as prime sponsor(s).

ENROLLED BILLS

May 17, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 121, 612, 1472 and 1789; House Joint Resolution(s) No(s). 217; also, House Resolution(s) No(s). 7, 15, 21 and 74.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 17, 1995

The Speaker signed the following: House Bill(s) No(s). 121, 612, 1472 and 1789; House Joint Resolution(s) No(s). 217; also, House Resolution(s) No(s). 7, 15, 21 and 74.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 17, 1995

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 851, 948, 1190, 1403, 1527, 1787 and 1790; also, House Joint Resolution(s) No(s). 80.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 149; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 12 and 1339; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 97; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 770; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 770 -- Mental Illness -- Removes requirement that at least one of required certificates of need committing person to private mental health facility come from professional not employee of such facility, if facility is academic health center affiliated with accredited private college of medicine. Amends TCA Title 33, Chapter 3, Part 1. by *Haynes.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 914; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 778; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
May 17, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 385, 665, 1591 and 1791.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
May 17, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 270, 272, 273, 274, 275, 276, 282, 283, 284, 285, 286, 287, 288, 289, 292, 293, 294, 295, 296, 297, 298, 299, 300, 302, 303, 304, 305 and 306.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 10, 828, 1141, 1259, 1608 and 1788; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 230; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

May 17, 1995

The Speaker signed the following: Senate Joint Resolution(s) No(s). 230.

ENGROSSED BILLS
May 17, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 735, 968, 1316 and 1775.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
May 17, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 389 and 1690.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
May 17, 1995

The Speaker signed the following: Senate Joint Resolution(s) No(s). 229.

ENGROSSED BILLS
May 17, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 610, 848, 923, 1642, 1770, 1815, 1829, 1851 and 1892.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 53 and 762; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
ENGROSSED BILLS
May 17, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 832.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
May 17, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 187; also, House Joint Resolution(s) No(s). 70.

WEDNESDAY, MAY 17, 1995 -- FORTY-FIRST LEGISLATIVE DAY

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1691; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 832; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
May 17, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 125.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 92 and 207; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 92** -- General Assembly, Directed Studies -- Directs state board of education to study position paper "Necessary Changes in Special Education" and make recommendations relative to feasibility of implementing solutions contained therein as part of special education reform. by *Rice.

Senate Joint Resolution No. 207 -- Memorials, Recognition and Thanks -- Walter Lambert. by *Cohen, *Henry, *Haynes, *Womack, *Cooper.

MESSAGE FROM THE SENATE
May 17, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 188, 472, 593, 606, 773, 869, 1067, 1195, 1203, 1262, 1319 and 1419; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 188** -- Sunset Laws -- Board of electrolysis examiners, June 30, 2003 Amends TCA Title 4, Chapter 29; Title 63, Chapter 26. by *Haynes.

***Senate Bill No. 472** -- Accountants -- Authorizes board of accountancy to fix compensation of executive director, investigators,

and other staff members without the approval of the commissioner of personnel; removes board from administration of division of regulatory boards. Amends TCA Titles 4, 62. by *Atchley.

Senate Bill No. 593 -- Education -- Requires Tennessee Challenge 2000 reports be sent to senate and house education committees as well as joint education oversight committee. Amends TCA Title 49. by *Womack.

***Senate Bill No. 606** -- Annexation -- Abolishes automatic priority of larger municipality that is presently conferred in case when two municipalities, which were incorporated in same county, initiate annexation proceedings with respect to same territory; creates priority in favor of first municipality to initiate proceedings. Amends TCA 6-51-110. by *Leatherwood.

Senate Bill No. 773 -- Criminal Procedure -- Broadens applicability of the Wiretapping and Electronic Surveillance Act of 1994 to include Class A felony drug offenses. Amends TCA Title 40, Chapter 5, Part 3. by *Haynes.

***Senate Bill No. 869** -- County Officers -- Makes temporary citizen commission of government officials compensation permanent; removes February 1, 1995 deadline for filing of commission's report and recommendations to general assembly. Amends TCA Title 5, Chapter 6; Titles 8, 18; Title 54, Chapter 7; Title 67, Chapter 1, Part 5. by *Haun, *Wallace, *Crowe.

Senate Bill No. 1067 -- Drug and Alcohol Rehabilitation -- Directs commissioner of health to develop and implement pilot demonstration project to provide culturally sensitive, effective, alcohol and drug abuse treatment, prevention and outreach services to address special needs of native American families; provides for evaluation and reporting of findings and recommendations. Amends TCA Title 68, Chapter 24. by *Crutchfield, *Harper.

***Senate Bill No. 1195** -- Taxes -- Requires county boards of equalization to elect vice chair as well as chair. Amends TCA Title 67. by *Rochelle, *Wallace, *Wright.

Senate Bill No. 1203 -- Motor Vehicles -- Sets penalty for violation of permit restrictions on movements of excessive length, height and width as Class C misdemeanor, punishable only by fine of \$500. Amends TCA 55-7-206. by *Haun.

***Senate Bill No. 1262** -- Criminal Procedure -- Makes proceeds realized from items seized and sold due to violations of drug laws be paid into treasury of local government responsible for such seizure activities; permits use of proceeds for any public purpose allowed by law. Amends TCA 39-17-420; 40-33-211; 53-11-204. by *Cohen.

***Senate Bill No. 1319** -- Criminal Offenses -- Makes it Class A misdemeanor to sell or trade human remains or burial objects from Native American historical burial grounds; creates Class E felony violation on second offense. Amends TCA Title 4, Chapter 34; Title 11, Chapter 6. by *Cohen.

*Senate Bill No. 1419 -- Mental Illness -- Requires permission of custodial parent to release mental health records of minors. Amends TCA Title 33, Chapter 3. by *Gilbert.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, May 18, 1995.